

ORDER SHEET

IN THE HIGH COURT OF SINDH AT KARACHI

Constitution Petition No. D – 1761 of 2023

Date	Order with signature of Judge
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FRESH CASE

1. For orders on Misc. No. 8735/2023.
2. For orders on office objection No. 26.
3. For orders on Misc. No. 8736/2023.
4. For hearing of Main Case.
5. For orders on Misc. No. 8737/2023.

07.04.2023:

Mr. Nehal Khan Lashari, advocate for the petitioner.

1-5. Through instant petition, petitioner has expressed his grievance against respondent No. 3, who according to learned counsel for the petitioner, is not carrying out the exercise of demarcation of land Na-class of 03 acres, which according to the learned counsel, was allotted in the ear 1951 and 1996 pursuant to Form-VIIB and Deh Form No.II [copies of which are available at Page: 19 – 21 respectively as Annexures 'P-2 & P-3'], whereas, it has been further alleged that private respondents have encroached upon such land and constructed illegal hydrant, which may be directed to be removed.

Learned counsel for the petitioner was confronted as to whether the Naiclass un-surveyed land can be leased for 99 years as claimed in the Memo of Petition, in response, learned counsel has requested for time to assist the Court. Learned counsel for the petitioner was also confronted as to whether the petitioner has approached the relevant authorities / forums for ascertainment of his right and title over subject land during all these years as documents attached pertain to year 1951 and 1996, in

response, he has stated that the petitioner has recently written a letter dated 15.02.2023 to the Mukhtiarkar, Gulzar-e-Hijri, Scheme 33, Karachi/respondent No.3, however, no response has been received.

In view of hereinabove facts and circumstances of the case and the material available on record, it appears that instant petition is premature and misconceived, as the petitioner has not approached the relevant forum / authority for redressal of his grievance to protect his right, title or possession over the subject land, which is accordingly dismissed in limine alongwith all listed applications. However, petitioner is at liberty to approach the relevant authorities/forums for redressal of his grievance, if any, in accordance with law.

JUDGE

JUDGE

A.S.