

ORDER SHEET

IN THE HIGH COURT OF SINDH AT KARACHI

Constitution Petition No. D – 2442 of 2021

Date	Order with signature of Judge
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DIRECTIONS

1. For orders on Misc. No. 10620/2023.
2. For orders on Misc. No. 10621/2023.
3. For orders on Misc. No. 10379/2023.
4. For Orders as to Maintainability of instant Petition.

08.05.2023:

None for the petitioner.

Mr. Abdul Jalil Zubedi, AAG Sindh.

Petitioner appearing through attorney is called absent, whereas, no intimation is received, inspite of the fact that today, urgent application has been filed on behalf of petitioner.

Learned AAG submits that though notices have been issued in the instant matter, however, subject to maintainability of instant petition, which appears to be misconceived and not maintainable as the petitioner instead of approaching the hierarchy in the Board of Revenue for seeking survey, demarcation or identification of the land being claimed through instant petition, has directly approached this Court under Constitutional Jurisdiction and has sought declaration, which can either be granted by the Revenue Authorities or the proper Court of Civil Jurisdiction.

Perusal of the record shows that petitioner without approaching the Revenue Authorities or having referred to any adverse order or action by the official respondents against the petitioner in respect of the subject land on the basis of some documents/agreement, which prima facie, do not establish the right and title of the petitioner over the subject land or to justify to seek relief through instant constitutional petition, has filed instant petition, which appears to be misconceived.

Accordingly, instant petition is dismissed for non-prosecution alongwith all pending application(s). However, petitioner will be at liberty to seek alternate remedy before the hierarchy in accordance with law and in case of any adverse order/decision, may file appropriate proceedings in accordance with law.

JUDGE

JUDGE

A.S.