

ORDER SHEET

IN THE HIGH COURT OF SINDH AT KARACHI

Constitution Petition No. D – 4722 of 2023

Date	Order with signature of Judge
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FRESH CASE

1. For orders on Misc. No. 21714/2023.
2. For orders on Misc. No. 21715/2023.
3. For hearing of Main Case.
4. For orders on Misc. No. 21716/2023.

02.10.2023:

Mr. Fasi-uz-Zaman Abbasi, advocate for the petitioner.

1-4. After arguing the matter at some length and while confronting as to maintainability of instant petition, which prima facie, appears to have been filed to protect the possession of a residential plot from encroachment, whereas, no cause of grievance, which could be redressed, while invoking the constitutional jurisdiction under Article 199 of the Constitution, appears to have been agitated, learned counsel for the petitioner submits that the petitioner has approached the Pakistan Defence Officers Housing Authority/respondent No.2 vide letter dated 22.09.2023 for removal of such encroachment by a person, who claims to be a contractor of DHA, however, no action has been taken, therefore, instant petition has been filed.

It appears that petitioner has written a letter to Pakistan Defence Officers Housing Authority/respondent No.2 and thereafter, directly approached this Court with the prayer that respondents may be directed to vacate the subject plot of the petitioner, whereas, the person, who according to learned counsel for the petitioner, has encroached upon the subject plot, has not impleaded as a party in the instant petition.

Under the circumstances, petitioner may approach either the Pakistan Defence Officers Housing Authority/respondent No.2

or the concerned police or may file appropriate proceedings as may be available to seek restoration of the possession of the petitioner's subject plot, in accordance with law.

Accordingly, instant petition is hereby dismissed in limine in the above terms alongwith all listed applications.

JUDGE

JUDGE

A.S.