

Order Sheet
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

C.P. No.S-252 of 2024

DATE

ORDER WITH SIGNATURE OF JUDGE

1. For orders on office objection
2. For hearing of main case

09.07.2024

Syed Inayat Hussain Shah advocate for petitioners.
Mr. Muhammad Ismail Bhutto, Addl. A.G Sindh.
Ms. Rameshan Oad, A.P.G.

The petition has been filed with the following prayer:

- a. To direct the official respondents that no any illegal harassment may be caused to the petitioners and their family members or other villagers on the instigation of private respondent.
- b. To direct the official respondents to provide legal protection to the petitioners, their family members and villagers as per law.
- c. Any other relief this honourable court deems just and proper in favour of the petitioners.
- d. Cost of the petition may be saddled upon the respondents.

At the very outset, learned counsel was confronted as to how this petition could be entertained in view of the binding judgment of a Division Bench of this Court reported as PLD 2019 Sindh 168. Learned counsel could not offer any cogent response. On the contrary, learned counsel submits that a civil suit has also been filed on the same controversy and directions are essentially sought against the respondent No.5, who is a private party.

Learned counsel was unable to assist as to whether this court can issue a writ to a private party and it also could not be explained that if the matter is already seized by civil court of competent jurisdiction then how it could be entertained in writ jurisdiction.

Learned AAG also points order dated 22.05.2024 rendered by the Court of Sessions Judge Hyderabad, available at page 21, which cements these observation.

Notwithstanding the forgoing, this petition is also misconceived per the binding decision of Division Bench of this court cited above. Petition is dismissed.

Judge