

Judgment Sheet

IN THE HIGH COURT OF SINDH AT KARACHI

Present:

Justice Mrs. Kausar Sultana Hussain
Mr. Justice Jawad Akbar Sarwana

Constitution Petition No. D – 3635 of 2024

Mr Akhtar Ali v. Province of Sindh & others

Petitioner : Mr. Akhtar Ali, through
Mr. Rao Zahid Ali Advocate

Respondent No.1 : Government of Sindh through Secretary
Home Department

Respondent No.2 : The Inspector General of Police Sindh

Respondent No.3 : The Senior Superintendent of Police
District Malir, Karachi

Respondent No.4 : The Station House Officer, P.S. Ibrahim
Hyderi Malir, Karachi

Respondent No.5 : Miss/Mrs. Saira, The Assistant
Commissioner, Ibrahim Hyderi, Malir
Karachi

Respondent No.6 : Ghulam Mujtaba, POR/AC, Ibrahim
Hyderi, Malir Karachi

Respondent No.7 : Mr. Muhammad Qasim Ruk, Tapedar
Ibrahim Hyderi, Malir Karachi

Nemo for Respondent Nos.1 to 7.

Date of Hearing : 30.07.2024

Date of Judgment : 30.07.2024

Date of Reasons : 05.08.2024

J U D G M E N T

Jawad Akbar Sarwana, J.: The petitioner, Mr Akhtar Ali, has filed this petition for himself and as a Special Attorney of Mr Zahid Ali Khan. He claims title in Plot No.196, located at Ibrahim Hyderi, District Malir, Karachi, (ad-measuring 02-00 acres)(hereinafter referred to as the "Subject Property"). The title page of the Petition is not happily worded. The petition repeatedly refers to a single petitioner. As such the petition is also not properly framed. Akhtar Ali has shown no title in the Subject Property as owner/co-owner. Notwithstanding the genuineness of the documents, all the documents filed by him indicate

that the Subject Property was/is allegedly exclusively owned by one Zahid Ali Khan alone. While the learned counsel for the petitioner claims that his client, Akhtar Ali, has been enjoying possession of the Subject Property since 1992, but there is no documentary evidence of the same. The petitioner has also filed a copy of FIR No.206/2024 at P.S. Ibrahim Hyderi lodged against him (and not against Zahid Ali Khan) by complainant, Muhammad Qasim Ruk (Respondent No.7), allegedly the tapedar of Ibrahim Hyderi. The petitioner claims that he has been granted bail in the said FIR. The petitioner has prayed for protection from the hands of the Government Official Respondents and to restrain them so that he may raise construction on the Subject Property. But there's no information about the construction, either.

2. At the outset, the petition is vague and the petitioner has failed to establish how he is an aggrieved person under Article 199 of the Constitution. He needs to face the FIR and its consequences. No restraining orders can be passed in writ jurisdiction against the performance of public duties of Respondent Government Officials, and no carte blanche permission can be granted for raising construction. The petitioner may approach the appropriate forum if and as and when a cause of action is made out. In the present facts and circumstances of the case, no cause and grounds have accrued for any relief under writ jurisdiction, and the Petition is dismissed in limini.

3. The above are the reasons for the Order passed on 30.07.2024 dismissing the Petition in limini.

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