

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Const. Petition No. D-1133 of 2023
(*Fayaz Ali Sundrani & others v. Chairman, NAB & others*)

Present:-

**Mr. Justice Muhammad Iqbal Kalhoro &
Mr. Justice Arbab Ali Hakro.**

Mr. Mushtaque Ahmed Shahani, Advocate for petitioners.
M/s Mujeeb-ur-Rehman Soomro, Bahawaluddin and Najamuddin
Dharejo, Special Prosecutors, NAB a/w I.O Abdullah.
Mr. Ahmed Ali Shahani, Assistant A.G-Sindh.

Date of Hearing & Order: **30-01-2024**

ORDER

MUHAMMAD IQBAL KALHORO, J:- Petitioners have challenged call-up notices by NAB, addressed to different revenue officials calling for information/evidence in an inquiry against petitioners being carried out into the allegations of acquiring government land by them illegally. The case of the petitioners is that they are in possession of *Kabooli* land since decades, which has been made the subject of on-going inquiry by NAB. On such land, litigation pending before different Courts have been decided in their favour by the Civil Courts and such judgments and decrees passed. In presence of judgments and decrees passed by the Civil Courts, NAB cannot undertake an inquiry into title of the petitioners.

2. During arguments, it has been intimated that inquiry has reached advanced stage and the petitioners have already obtained pre-arrest bail from the relevant NAB Court. The record which was sought for through impugned notices has already been provided to the I.O, who is present in the Court and has confirmed above facts. At this stage, when petitioners have already submitted to the course of law and

obtained bail and hence no coercive action has been taken by NAB against them, no case for indulgence has been made out. The inquiry merely due to some decisions by the Civil Courts, the relevancy of which is yet to be determined, cannot be quashed, where there are certain questions requiring probe to reply.

3. Therefore, we find this petition meritless and accordingly **dismiss** it.

JUDGE

JUDGE

Ahmad