

ORDER SHEET
IN THE HIGH COURT OF SINDH BENCH AT SUKKUR
Constitution Petition No. D-188 of 2024
(Ghayasuddin Rind Vs. Province of Sindh & others)

DATE OF HEARING	ORDER WITH SIGNATURE OF JUDGE
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1. For Orders on CMA No. 804/2024 (U/A)
2. For Orders on office objection.
3. For Orders on CMA No. 805/2024 (Ex./A)
4. For Orders on CMA No. 806/2024 (Stay/A)
5. For hearing of main case.

21-02-2024.

Mr. Iftikhar Ali Arain advocate for the petitioner.

1. Granted.
2. Over ruled.
3. Granted subject to all just legal exception.

4&5. It is stated by learned counsel for the petitioner that the subject property has been purchased by the petitioner through register sale deed. Despite disposal of Civil litigation, the Mukhtiarkar (Revenue) Mehrabpur is not restoring the possession whereof to him. On it the private respondents are now raising construction; therefore, Deputy Commissioner Naushahro Feroze to be directed to handover the subject property to the petitioner, which is with the official respondents in terms of order u/s 145 Cr.P.C and in the meanwhile, the private respondents be restrained from raising illegal construction on it and his application pending with Deputy Commissioner Naushahro Feroze be also directed to be disposed of.

The dispute with regard to the possession of the subject property or raising of construction on it by the private respondents is involving factual controversy, which could not be resolved by this Court in exercise of its constitutional jurisdiction under the garb of direction to Deputy Commissioner, Naushahro Feroze to decide the pending application of the petitioner; consequently, the instant petition being misconceived is dismissed in limine together with listed application.

Judge

Judge

Nasim/P.A