

ORDER SHEET  
IN THE HIGH COURT OF SINDH AT KARACHI  
C.P. No.D-462 of 2022

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Order with signature of Judge

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*Before Aqeel Ahmed Abbasi J.  
Mahmood A. Khan J.*

1. *For orders on CMA No.6410 of 2023*
2. *For orders on CMA No.6411 of 2023*
3. *For orders as to maintainability of the petition.*

09.03.2023.

Petitioner present in person.  
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Through instant petition, the petitioner has alleged that plot No.C-25, Block 1-A, KDA Scheme 36, admeasuring 600 square yards, which was initially allotted to her, has been fraudulently transferred in favour of one Dr. Alia Tahseen wife of Syed Manzoor Hussain on the basis of fake and managed power of attorney in the year 1992, therefore, it has been prayed that respondent/KDA may be directed to provide certified true copies of the entire record and Nazir of this Court may be directed to take control/possession of the subject plot.

The petitioner present in person, when confronted to satisfy this Court as to the maintainability of instant petition in view of earlier order passed on 11.02.2023, on the point of laches and in view of the fact that the petition prima facie involves disputed facts and determination of right and title in respect of plot which falls within the domain of competent Courts of civil jurisdiction, the petitioner could not furnish any reasonable explanation, however, submits that record of the case may be called from KDA to ascertain such allegations. Such exercise cannot be undertaken by this Court under Article 199 of the Constitution whereas, for seeking declaration regarding any right or title or seeking cancellation of a registered power of attorney, the aggrieved party is required to approach the appropriate Court of civil jurisdiction. Accordingly, instant petition is misconceived and not maintainable

which is hereby dismissed in limine along with listed applications. However, the petitioner is at liberty to seek appropriate remedy by approaching the relevant forum/court for redressal of her grievance, in accordance with law. It may, however, be observed that KDA authorities shall consider the request for providing certified true copies of the record relating to subject plot, if petitioner produces allotment/lease or any title document in her favour in respect of subject plot, in accordance with law.

J U D G E

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