

ORDER SHEET
IN THE HIGH COURT OF SINDH BENCH AT SUKKUR
C. P No. D – 2180 of 2024

Date of hearing	Order with signature of Judge
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Fresh case

1. For orders on CMA No.8422/2024 (U/A)
2. For orders o CMA No.7981/2024 (U/A)
3. For orders on office objection at flag 'A'
4. For orders on CMA No.7982/2024 (Ex.A)
5. For orders on CMA No.7983/2024 (S/A)
6. For hearing of main case

23.12.2024

Mr. Muhammad Iqbal Memon, Advocate for the Petitioner

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1. Per office note, instant Constitutional Petition is already fixed on 31.03.2025, however, Counsel pleads urgency on the ground that it is fresh one and has not been noticed so far, therefore, submits that by granting this application, it may be converted into an application for antedating the case and case may be taken up in Court today for hearing. Record supports his contention. **Order accordingly.**

2. Having become infructuous, consequently it is hereby dismissed.

3. Since the prayer so made under this petition requires evidence and is not tenable, therefore, office has rightly pointed out objection.

4. Granted subject to all just legal exceptions.

5&6. Through this Constitutional Petition, the petitioner has sought for the following relief(s):-

(a) To declare that survey No.371 area (03-31) and survey No.492 area (02-11) of deh Mirpur, Taluka Mirpur Mathelo are Government Estate and Mandi Town Land and its grant to anyone under Land Grant Policy of 1989 or under Land Relaxation Grant Policy is violation of policy in existence.

(b) To declare that by doing such act on the part of respondent No.11, 12 and 13 the government has been put in loss and further act of respondent No.3, 4 and 5 for remaining silent from the time of dismantling

the material/Building, removing Running Pipes of drainage scheme till date requires action against them.

- (c) To direct the respondent No.6 to 10 not to take further illegal action till final decision of this petition.
- (d) To direct the respondent No.11 to 13 to reopen the existing common street of village Hayat Mangsi leading towards National Highway.
- (e) To respondent No.11 to 13 not sale out the government land in shape of plots for residential area and further direct the respondent No.4 to ensure the security of property on which the respondent No.4 spend 4 million for construction of drainage system which appear from the report of commissioner appointed by the Senior Civil Judge, Mirpur Mathelo and F.C Suit No.111/2012 till final disposal of this petition.
- (f) Any other relief as the Honourable Court may find fit in the interest of justice/public interest.

We have gone through the averments as well as prayer so made and find that entire claim of the petitioner is in respect of the land as well as property for which appropriate forums are available. Besides this Court has got no jurisdiction to record evidence and being controversy is barred under Article 212 of the Constitution of the Islamic Republic of Pakistan, 1973. Accordingly, and in view of legal position, this petition being devoid of merits is hereby dismissed along with listed application with no order as to costs.

Judge

Judge

ARBROHI