

ORDER SHEET
IN THE HIGH COURT OF SINDH CIRCUIT COURT
MIRPURKHAS

Constitution Petition No.D-769 of 2024

(Rashid Ali & others Vs. P.O Sindh & others)

DATE ORDER WITH SIGNATURE OF JUDGE

Before

Adnan-ul-Karim Memon, J

Amjad Ali Bohio, J

Date of hearing & Order 12.08.2024

Mr. Nazeer Hussain Jarwar, advocate for the petitioners
Mr. Ayaz Ali Rajpar, A.A.G Sindh

ORDER

Adnan-ul-Karim Memon, J. The petitioners invoke the constitutional jurisdiction of this Court and seek the following reliefs:-

- a. Direct respondent No 10 to provide all basic facilities i. e drinking water, Sui gas, electricity, and sewerage in Mahnove Housing Scheme.
- b. Direct the respondent No 10 to submit the status of the amenities plots in Mahnoor Housing Scheme
- c. Direct respondent No.5 not to maintain the record of rights of any plot of Mahnoor Housing Scheme of respondent No. 10 before completing the development in the said housing scheme.
- d. Direct respondent No.2 to suspend the layout plan of the Mahnoor Housing Scheme of respondent No. completion of development work.
- e. Direct respondents No.2 and 3 to take legal action against respondent No.10 for not completing the developing work in his housing scheme i.e. Mahsoor Housing Scheme despite of sanction of the layout plan.”

2. It is settled law that superior courts could not engage in factual controversies as the matters about factual controversy can only be resolved after thorough inquiry and recording of evidence in a civil court. Reliance is placed on Fateh Yarn Pvt Ltd. v. Commissioner Inland Revenue (2021 SCMR 1133).

3. In consideration of the aforementioned discussion and the existence of remedy through civil litigation, this petition is determined to be non-maintainable and is thus dismissed, together with the listed applications.

JUDGE

JUDGE

“Ali Sher”