

ORDER SHEET
IN THE HIGH COURT OF SINDH
CIRCUIT COURT MIRPURKHAS

Constitutional Petition No.S-165 of 2024

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

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|-------------|--------------------------------------|
| DATE | ORDER WITH SIGNATURE OF JUDGE |
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Date of hearing & Order 13.08.2024

Petitioner Ali Ahmed is present.

Mr. Rai Singh Sodho advocate for respondents No.4 to 6 and 10 to 12 a/w respondent No.5.

Mr. Dhani Bakhsh Mari, Assistant P.G Sindh.

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ORDER

Adnan-ul-Karim Memon, J. Petitioner Ali Ahmed seeking directions to the official respondents not to harass him and his family members at the behest of private respondents.

2. This Court vide order dated 06-08-2024 directed the learned Sessions Judge, District Tharparkar @ Mithi to depute the bailiff of the Court to visit the site and submit his report on the subject issue. The report has been furnished, which prima facie suggests that they visited the site and found a street was closed on ascertaining the factual position of the case, which transpires that the said plot of land belonged to Kamal s/o Muhammad, who has built his house and there is proper way to come and out. The aforesaid report has been objected to by the petitioner on the premise that the subject street has been blocked by the private respondents; therefore, they are unable to move freely to either attend School as well as visit the Government Dispensary, whenever needed. As such, they are facing difficulty. On the contrary, the private respondents have refuted the claim of the petitioner with the narration that there is Open Street and the petitioners and other villagers can easily go and come before this petition needs to be disposed of in terms of the report submitted by the bailiff of learned Sessions Court Tharparkar @ Mithi. Prima facie there is a dispute between the private parties over the subject street which needs to be taken care of by the competent Court of law,

having jurisdiction. So far as the rights of parties are concerned. However, the police shall not cause harassment to either party. The Mukhtiarkar concerned shall visit the site and submit his comprehensive report on the subject issue to the Court having jurisdiction if the aggrieved party approaches for redressal of his grievances, which shall be decided under the law within a reasonable time if approached by any of the aggrieved party.

3. This petition stands disposed of in the above terms.

JUDGE

Ali Sher