

**IN THE HIGH COURT OF SINDH
CIRCUIT COURT MIRPURKHAS**

Constitutional Petition No.D-491 of 2024
(*Imtiaz Ali & others vs. P.O Sindh and others*)

DATE ORDER WITH SIGNATURE OF JUDGE

Before

Adnan-ul-Karim Memon, J

Amjad Ali Bohio, J

Date of hearing and order 09-09-2024

Mr. Afzal Karim Virk, advocate for the petitioners

Mr. Ghulam Nabi Meo, advocate for intervener

Mr. Ayaz Ali Rajpar, Additional A.G Sindh a/w Sajjad Ali Khaskheli
Mukhtiarkar (Revenue) Hussain Bux Mari

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ORDER

Adnan-ul-Karim Memon, J. Through the instant Petition under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, the petitioners have sought suspension of Notice dated 04.10.2018 issued by Assistant Commissioner/Assistant Director Anti Encroachment Mirpurkhas, whereby he had directed the demolition of houses of petitioners citing the land in question to be of Government property.

2. Learned counsel submits that he will challenge the Notice before the Anti Encroachment Tribunal Court or competent Court for redressal of his grievances.

3. Learned A.A.G. submits that the property in question is government property and this petition is not maintainable.

4. We have heard learned counsel for the parties and perused the record with their assistance.

5. It appears from the record that petitioners are calling in question the Notice dated 04.10.2018 issued by the Assistant Commissioner/Assistant Director Anti Encroachment Taluka Hussain Bux Mari on the premise that the petitioners have titled documents in their favor issued by the Revenue authorities through registered sale deed and such Khatas are mutated in their names. If this is a position of the case, the issue involved in the

proceedings can be resolved by the Anti Encroachment and/or competent Court of law as both the parties claim and counterclaim on the subject property.

6. The instant petition stands disposed of in terms of the preceding paragraphs.

JUDGE

JUDGE

Ali Sher