

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

CP NO.D-832/2022
A/W
CP NO.D-3797/2017

Date

Order with signature of Judge

CP No.D-832/2022:

1. For order as to non prosecution of CMA No.14219/2024
2. For order on office objection
3. For order on CMA No.3820/2022
4. For hearing of CMA No.3819/2022
5. For hearing of main case.

CP NO.D-3797/2017:

1. For order on CMA No.20380/2024
2. For order on CMA No.1252/2022

20.09.2024

Mr. Nisar Ahmed advocate for petitioner in CP No.D-832/2022.

M/s. Sathi M. Ishaque and S.K. Lodhi advocates for respondent in CP No.D-832/2022 and for petitioner in CP No.D-3797/2017.

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In CP No.D-3797/2017 issue raised by Dr. Abdul Rasheed (petitioner) for approved building plan was adjudicated wherein allotment as well as approved plan and other formalities were completed hence that petition was disposed of. Being relevant order dated 01.03.2021 is reproduced herewith:-

“The Assistant Director, KDA *Korangi* Township present in court and has submitted compliance report alongwith copy of allotment order which are taken on record and the original allotment order has been handed over to the petitioner in court. Since the grievance of the petitioner has been redressed hence he does not press contempt application, which is disposed of.”

Accordingly petitioner in that petition (respondent No.8 in present CP No.D-832/2022) did not press that petition on the point that they received allotment as well as raised construction over 120 square yards. Petitioner's case is that in-question plot allotted by KDA is the portion of Public Park; he has referred tender notice issued by DMC

Korangi with regard to raising of boundary wall over that park; further agitated that matter is required to be referred for demarcation as allotment in favour of petitioner is *ab-initio* void.

2. Needless to mention that issue of in-question plot in possession of the respondent No.8 was adjudicated and by order of this court in CP No.D-3797/2017 petitioner received allotment order as well as approved building plan hence in instant petition being CP No.D-832/2022 same issue cannot be adjudicate which attracts scope of *res-judicata*. Petitioners being citizen if aggrieved they were bound to file CPLA before the apex court to challenge that order or to file application under section 12(2) CPC but they failed to do so hence present petition is misconceived and dismissed alongwith listed applications. Interlocutory Applications filed in disposed of petition (CP No.D-3797/2017) are also dismissed.

Office to place copy of this order in CP No.D-3797/2017.

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