

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA
C.P. No.D-1513 of 2014.

DATE OF HEARING	ORDER WITH SIGNATURE OF HON'BLE JUDGE
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1. For orders on office objection as Flag 'A'.
2. For Katcha Peshi.

26.03.2015

Mr. Rafique Ahmed K. Abro, advocate for petitioner.

Mr. Abdul Hamid Bhurgari, Addl. A. G along with Niaz Ahmed Siyal, Mukhtiarkar, Ratodero, PSI Akhtar Hussain Burdi on behalf of SSP Larkana and SIP Sartaj Ahmed Jagirani, SHO PS Ratodero.

Through the instant Constitutional Petition, the petitioner Syed Abdul Hadi Shah has prayed for the following relief(s):

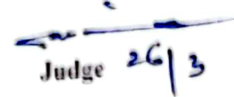
- (a) That this Honourable Court may be pleased to direct the respondents No.1 to 3 and 7 to take appropriate legal action against respondents No.4 to 6 and to get vacate the graveyard (Khair Shah) from the illegal possession of respondents No.4 to 6.
- (b) To direct official respondents to take necessary measures to protect the entire area of Kher Shah (Muqam) as land grabbers are trying to demolish more graves and further be pleased to direct respondents No.1 and 8 to provide protection to petitioner, his entire family members and property as petitioner party apprehends great danger to their lives at the hands of respondents No.4 to 6.

Notices were issued to respondents as well as Addl. A. G. Comments have been filed by SHO and Mukhtiarkar concerned. Mukhtiarkar Ratodero in his comments has stated that S.No.568 admeasuring 259-1 square yards, Ward-A, Ratodero town is shown as "Waqf" property i.e. graveyard in the name of one Syed Khair Shah, whereas one Ghous Ali Shah has been shown "Mutwali". In the comments, it is further stated that the petitioner has remedy available to him under Article 8 of Sindh Waqf Properties Ordinance, 1979 to approach Chief Administrator of Auqaf Department for the redressal of his grievance in respect of eviction of persons wrongfully in possession of Waqf Properties. Learned advocate for the petitioner has also stated that SHO is harassing the petitioner. SHO present in person denies the allegations and states that no harassment

whatsoever has been caused to the petitioner and petitioner will be provided protection in accordance with law.

In these circumstances, while disposing of the petition, we direct the Mukhtiarkar concerned to conduct himself strictly in accordance with law. The petitioner would be at liberty to approach competent Court of law for seeking his relief available to him under the law.


Judge


Judge 26/3