

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

C. P No. D – 1370 of 2023

(Markazi Jamia Masjid & Madarsa vs. Federation of Pakistan & others)

Present:-

Mr. Muhammad Iqbal Kalhoro, J

Mr. Arbab Ali Hakro, J

Date of hearing & Decision : 16.05.2024

Mr. Shahzad Dreho, Advocate for petitioner

Mr. Ashfaque Hussain Abro, Assistant Attorney General for Pakistan

ORDER

Muhammad Iqbal Kalhoro, J;- Mr. Abdul Moiz Qureshi, Advocate has filed power and counter-affidavit / objections to the petition on behalf of respondents No.3, 4 and 5.

2. This petition has been filed by petitioner (*Markazi Jamia Masjid and Madarsa Jamiat Ahle Hadith*) through its Vice President, complaining against respondent No.6, a private person to have interfered in the affairs of Masjid, the petitioner, and raising construction over some plot situated nearby. It is prayed, inter alia, that respondent No.6 be restrained from using a street situated in front of Masjid, which petitioner claims to be under its tenancy.

3. We have heard learned counsel for the parties as well as respondent No.6, who has denied all the allegations leveled in the petition. Petitioner's counsel failed to show that street situated in front of Masjid is under tenancy of the petitioner. Respondent No.3 / Evacuee Trust Property Board has also filed comments and has

denied that the said Masjid is the property of the Board. It appears from contentions of the parties they have a dispute civil in nature, which does not come within the ambit of a controversy to be decided in the constitutional jurisdiction. Even otherwise, we have reservations over maintainability of this petition, whereby unfounded allegations against respondent No.6 of interfering in affairs of Masjid and claiming a right over a common street situated allegedly in front of Masjid have been leveled. We, therefore, finding this petition meritless, dismiss it accordingly.

Judge

Judge

ARBROHI