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ORDER-SHEET  
IN THE HIGH COURT OF SINDH, CIRCUIT COURT LARKANA

Constt. Petition No. D- 16 of 2018.

Date of hearing	Order with signature of Judge
11.01.2018.	

1. For orders on office objections.
2. For hearing of main case.

Mr. Ashfaq Hussain Abro, Advocate for petitioner.  
Mr. Sarfraz Ali Abbasi, Advocate for respondent No.2 and 3.  
Mr. Shafi Muhammad Chandio, Addl. A.G.

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Through instant petition, the petitioner seeks directions to respondents No.2 and 3 (private respondents) not to force the petitioner to leave shops in question and not to demolish same. He also seeks directions to official respondents not to cause harassment to him on the behest of private respondents and provide him protection. Further, directions to respondent No.4/ Mukhtiarkar Mehar not to intervene in the matter in respect of the shops in question.

Pursuant to notice, the official respondents have filed their comments. They have denied all the allegations leveled against them and also intimated that the dispute between parties is in respect of property in question, regarding which the proceedings are initiated under Section 145 Cr.P.C before the concerned Magistrate on the request/ report of SHO concerned.

The private respondents have also filed their statements through their Advocate. It is brought on record that there is dispute over the property in question between them.

Learned counsel for petitioner while pressing the instant petition submits that the petitioner is law abiding citizen and he is in possession of two shops but the SHO and Mukhtiarkar concerned on behest of private respondents interfered in his possession and even the police have dismantled the shops. He further submits that police is duty bound to

provide protection to citizens but they instead of doing their job are causing harassment to the petitioner.

In response to a query, the learned counsel for petitioner submits that although the private respondents are claiming over the property in question but in-fact the same belongs to the petitioner.

Conversely, the counsel for private respondents submitted that property in question actually belongs to the private respondents and the petitioner is interfering in their possession. He denies that the property has ever remained in possession of the petitioner.

We have heard the learned counsel and scanned the record in light of their arguments. From the record it is very much evident that there is dispute between petitioner and the private respondents in respect of property in question. The SHO concerned has already filed report before the concerned Magistrate in terms of Section 145 Cr.P.C.

In the existing circumstances, it is very much clear that the parties are disputing each other over ownership and possession of some property, thus the matter involves disputed question of facts, which require evidence and such matter cannot be resolved by this Court in its writ jurisdiction. Besides, an alternate remedy is available to the parties; as such the instant petition being not maintainable is hereby dismissed.

Ansari/\*