

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH AT KARACHI**  
**CP No. D-1571 of 2025**

( *Zaheer Ahmed Butt v. Province of Sindh & Others* )

DATE:	ORDER WITH SIGNATURE(s) OF JUDGE(s)
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- 1. For Orders on CMA No. 7871 / 2025 (Urgent App)
- 2. For Orders on Office Objections No. 1 to 7 & 10
- 3. For Orders on CMA No. 7872 / 2025 (Exemption App)
- 4. For Orders on CMA No. 7873 / 2025 (Stay App)
- 5. For Hearing of Main Case

**23-4-2025**

Ms. Saima Khan Solangi, Advocate for Petitioner

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- 1. **Sana Akram Minhas J:** The Petitioner claims ownership of several plots situated in Naiclass No.5, Deh Thoming, Tappo Songal, Scheme 33, Project Model Town, Karachi. It is alleged that constructions raised on the said plots were unlawfully demolished by official Respondent No.4 pursuant to an anti-encroachment drive, without any prior notice having been issued to the Petitioner.
- 2. Learned Counsel for Petitioner submits that, on the day of the purported demolition, after repeated demands, the Respondent No.4 produced a notice dated 26.3.2025 (**Court File Pg. 99, Annex C**), which had been issued by Respondent No.3 authorizing an anti-encroachment operation. Counsel contends that the notice pertained to a different housing project entirely unrelated to the scheme in which the Petitioner's plots are situated. It is further asserted that, in any event, the Petitioner's plots are private property and not public land. Counsel alleges that such highhanded actions by the concerned official Respondents have become a recurring pattern, prompting the Petitioner to seek the intervention of this Court to prevent further unlawful conduct.
- 3. It appears that the present Petition has been filed to forestall a recurrence of the actions as alleged. In such a case, the Petitioner may avail the remedy provided under the *Sindh Public Property (Removal of Encroachment) Act, 2010*, by approaching the Tribunal established thereunder for a determination as to whether the subject plots constitute private property, as claimed. Should the Petitioner succeed, a declaration in his favour would affirm proprietary rights and serve as a safeguard against any future encroachment proceedings.

4. With regard to the Petitioner's grievances concerning alleged highhandedness and misconduct by police officials, an adequate remedy is also available in the form of an application under Sections 22-A and 22-B of the *Code of Criminal Procedure, 1898*, before the concerned Justice of Peace. The Justice of Peace is empowered to entertain complaints relating to police misconduct, including issuing directions for the registration of FIRs and extending protection to the aggrieved party, where warranted by the circumstances. This legal avenue provides redress through a judicial forum specifically tasked with oversight in such matters.
5. In view of the above, as the Petitioner has bypassed adequate and efficacious remedies without justification before invoking the extraordinary jurisdiction of this Court under Article 199 of the *Constitution of Pakistan, 1973*, the Petition is found to be premature and not maintainable at this stage, and is accordingly **dismissed in limine**.

**JUDGE**

**JUDGE**