

**HIGH COURT OF SINDH, CIRCUIT COURT,
HYDERABAD**

CP No. D- 839 of 2024

[Abdullah v. Province of Sindh & others]

BEFORE:

**JUSTICE ADNAN-UL-KARIM MEMON
JUSTICE RIAZAT ALI SAHAR**

Petitioners: Through Mr. Altaf Hussain Chandio, Advocate, who is called absent today

Respondents: Through Mr. Muhammad Sulleman Dahri, Advocate

Mr. Rafiq Ahmed Dahri, Asstt: A.G., along with ASI Muhammad Paryal Kalhoro PS Kazi Ahmed

Date of hearing: 27.11.2025

& Decision:

ORDER

ADNAN-UL-KARIM MEMON, J. The petitioners seek directions under the Constitutional jurisdiction for the removal of alleged encroachments from 16th Masjid Street, located west of the petitioner’s shop between Shahi Bazar and Dargah Road, Qazi Ahmed, District Shaheed Benazirabad.

2. Petitioner and counsel are called absent without intimation. However, we have gone through the contents of memo of petition, whereby it has been claimed by the petitioner that he had purchased Shop No.12 (437 sq. ft.) situated between two streets on 24.03.2011. It is further alleged that respondents 12 to 25 have illegally occupied 16 feet of the western street, causing hardship to him and other residents. Despite complaints to authorities, no action was taken.

3. Mukhtiarkar (Revenue), Qazi Ahmed, in his comments, states that upon visiting the street and recording statements of residents, it was confirmed that the street has remained unchanged for 40 years and no fresh encroachment exists.

4. The counsel for the Respondents 12, 13, 23, 24, and 25 contend that the Petition is not maintainable as the petitioner bypassed the proper forum. He asserts the alleged encroachment is around 50 years old and causes no obstruction, and therefore, the Petition may be dismissed.

5 After examining the pleadings and material placed on record, it appears that the parties are in dispute regarding the existence of any encroachment on the subject street, with the petitioner alleging recent illegal occupation while the official

respondents and private respondents assert that the street has remained in the same condition for several decades. The issue, therefore, requires factual verification on the ground as well as examination of the relevant revenue record.

6. Accordingly, the Deputy Commissioner, Shaheed Benazirabad, is directed to visit the site, examine the relevant revenue and municipal records, and, after providing an opportunity of hearing to all concerned parties, determine whether any encroachment exists on 16th Masjid Street. If any encroachment is found, the Deputy Commissioner shall ensure that the same is removed forthwith in accordance with the law.

7. The above exercise shall be completed within three months from the date of this order. This petition stands disposed of in the foregoing terms. A copy of the order shall be communicated to the Deputy Commissioner, Shaheed Benazirabad for compliance.

JUDGE

JUDGE