

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

C.P. No.D-1049 of 2020

DATE	ORDER WITH SIGNATURE OF JUDGE
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Before:
Mr. Justice Arshad Hussain Khan
Mr. Justice Irshad Ali Shah

1. For orders on MA-450/2021.
2. For orders on office objections.
3. For hearing of main case.

09.02.2021.

Syed Shahzad Hyder Shah, advocate for petitioner.
Mr. Allah Bachayo Soomro, Additional A.G.

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Urgency granted.

It is stated by learned counsel for the petitioner that the petitioner having been allotted an area of about 2588 sq. ft. under Gothabad Scheme at District Tando Allahyar; a portion whereof has been encroached upon by the private respondent and he now is raising construction over it. By stating so, he sought for directions against the official respondents to remove such encroachment.

It is stated by learned A.A.G that the allotment of the plot made in favour of the petitioner apparently is a fake and issue of encroachment even otherwise could not be resolved by this Court in exercise of its Constitutional jurisdiction. By stating so, he sought for dismissal of instant petition.

We have considered the above arguments and perused the record.

If, for the sake of arguments, it is believed that the petitioner has been allotted a plot under Gothabad Scheme and portion whereof has been encroached upon by the private respondent even then such encroachment could not be ordered to be removed by this Court in exercise of its Constitutional jurisdiction simply for the reason that the issue of encroachment being factual requires evidence.

In view of above, the instant petition being misconceived is dismissed with an advice to the petitioner that subject to his title he may approach the Civil Court having jurisdiction for redressal of his grievance.

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