

ORDER SHEET  
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD  
C.P.No.D-2303 of 2019

DATE	ORDER WITH SIGNATURE OF JUDGE
	<div>1. For orders on MA-9835/19</div> <div>2. For orders on office objection</div> <div>3. For orders on MA-9836/19</div> <div>4. For orders on MA-9837/19</div> <div>5. For orders on MA-9838/19</div> <div>6. For hearing of main case.</div>

**08.10.2019.**

Mr. Mohsin Raza Gopang, advocate for petitioner.  
=

Urgency granted.

The petitioner by way of instant constitutional petition has prayed  
for the following relief;

1. That, this Honorable Court may be pleased to direct respondent No.2 to 05 to stop the illegal construction over the plot No.HBC-468 admeasuring 195 Sq.Yards situation at Cantonment Shah Faisal Colony Katcha Qila Hyderabad.
2. That, this Honorable Court may kindly direct the respondent No.2 to 6 to produce approval plan / Notice or No Objection Certificate regarding construction / re-erect of building over Plot No.HBC-468 admeasuring 195 Sq.Yards situation at Cantonment Shah Faisal Colony Katcha Qila Hyderabad if any.
3. That, this Honorable Court may be pleaded to grant ad-interim relief against the illegal construction over the Plot No.HBC-468 admeasuring 195 Sq.Yards situated at Cantonment Shah Faisal Colony Katcha Qila Hyderabad.
4. Any other relief deemed fit, just and proper by this Honorable Court may be granted to the petitioner.

The facts in brief necessary for disposal of instant constitutional petition as per petitioner are that she being owner

of the subject property has been dispossessed therefrom by the private respondents, whereupon they now are raising construction without any approved plan. In these circumstances, the petitioner has brought the instant constitutional petition before this Court for the relief prayed for.

On being asked, why the instant constitutional petition has been brought before this Court by the petitioner only for the consequential relief? It was stated by learned counsel for the petitioner that the petitioner being owner of the subject property has already filed a direct complaint under the provision of 3/4 of Illegal Dispossession Act, 2005, before the Court having jurisdiction against the private respondents for return of the possession of the subject property. If it is so, then filing of the instant constitutional petition before this Court by the petitioner asking only for a consequential relief in exercise of its constitutional jurisdiction, is appearing to be an act on part of petitioner to multiply the pending litigation, which could not be permitted by this Court at the cost of its precious time.

Consequently, the instant constitutional petition being devoid of merits is dismissed in limine along with listed applications without notice to other side.

JUDGE

JUDGE