

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

C.P. No.D-635 of 2017

DATE	ORDER WITH SIGNATURE OF JUDGE
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1. For orders on MA-11680/19 U/A
2. For hearing of MA-13293/18 (151 CPC)
3. For hearing of MA-13286/18 (1 rule 10 CPC)
- 4,5,6. For orders as to non-prosecution of MA-14182/18, 14183/18 and 14004/18 as notices not issued and costs and copies have not been supplied by the counsel for the petitioner and respondent No.4.
7. For hearing of main case.

21.11.2019

Mr. Amjad Ali Mangi, Advocate for the petitioners.
Mrs. Razia Ali Zaman Khan, Advocate for respondent No. 4.
Mr. Zaheeruddin Sahito, Advocate for SBCA.
Mr. Allah Bachayo Soomro, Addl. A.G Sindh.

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1. Urgency granted.

- 2 & 3. Both these applications have been filed by intervenors, however, no one is present on their behalf to assist the Court. Accordingly, both these applications are dismissed with no order as to costs.

- 4 to 7. This petition has been filed in respect of an amenity plot which, according to the petitioners, is under encroachment. Vide order dated 15.10.2018, respondents 3, 4 & 8 were directed to get the subject amenity plot vacated from land grabbers / encroachers within two (02) weeks and to submit compliance report to this Court. It is stated on behalf of the petitioners that the above order has not been complied with due to which subject amenity plot is still under encroachment. After passing of the above order, respondent No.4 filed a stay application bearing MA-14182/18 and a review application bearing MA-14183/18, which are listed today for non-prosecution. Learned counsel for respondent No.4 states that as far as the prayer of the petitioners that subject amenity plot should be free from all types of encroachment is concerned, respondent No.4 has no objection if the said prayer is allowed and order dated 15.10.2018 is implemented in letter and spirit. She, however, requests that since the lay out plans filed by the petitioners and respondent No.4 are different, the subject amenity plot should be identified before implementing the above order.

Learned counsel present today agree that the above order should be implemented in respect of the amenity plot as per the sketch / map

filed by the Commissioner / Additional Registrar of this Court as annexure 'B' to his site inspection report dated 11.02.2019, which sketch / map was prepared with the help of the Mukhtiarkar concerned as per paragraph 6 of the Commissioner's said report. They state that the relevant authority for implementation of the above order is respondent No.8. Accordingly, respondent No.8 is directed to ensure that the order passed on 15.10.2018 is implemented in letter and spirit within three (03) weeks from receipt of this order and to submit his compliance report to this Court without fail within one week thereafter. He may seek police assistance, if necessary. Let notice, along with copies of this order and order dated 15.10.2018, be issued immediately to respondent No.8 Chairman Anti Encroachment Cell / Deputy Commissioner Jamshoro as well as to SSP Jamshoro for compliance.

By consent, listed applications and petition are disposed of in the above terms with no order as to costs.

JUDGE

JUDGE