

ORDER SHEET
HIGH COURT OF SINDH, KARACHI

C.P. No.D-3500 of 2019

Date	Order with signature of Judge
-------------	--------------------------------------

Present

Mr. Justice Muhammad Ali Mazhar.

Mr. Justice Yousuf Ali Sayeed.

Syed Mushtaq AliPetitioner

Versus

The Government of Sindh & others.....Respondents

Date of hearing 17.01.2020

Syed Sultan Ahmed advocate for the petitioner.

Mirza Mehmood Ahmed advocate for the respondent NO. 15 to 17 a/w Mr. Abdullah Azzam advocate.

Ch. Muhammad Arif advocate for the KMC a/w Ms. Maheen Ansari

Mazhar Khan, Director Katchiabadi, KMC, Karachi

Muhammad Ali Mazhar, J: On 05.11.2019 Nazir was appointed to inspect the premises, whether the petitioner has made any encroachment or not. Nazir has also submitted the report on 07.12.2019 and found that an area of 27.04 sq. yards found encroached and petitioner was using this area beyond the leased area of 145.00 sq. yards.

2. Learned counsel for the petitioner submits that the petitioner has some reservation on the Nazir report but due to some factual controversies, the petitioner has filed an application under Order XXIII Rule 3 CPC (CMA 36351/2019) for the withdrawal of this petition to avail appropriate remedy. The application is supported by the affidavit of the petitioner duly verified by ISMS department of this court in which he

also stated that matter requires evidence and same cannot be determined in the writ jurisdiction. In view of this statement, the petition is dismissed as withdrawn and the interim orders passed by this court on 24.05.2019 are also vacated.

JUDGE

JUDGE

Aadil Arab