

ORDER SHEET

**IN THE HIGH COURT OF SINDH AT KARACHI**

Before:  
Ahmed Ali M. Shaikh, CJ  
Yousuf Ali Sayeed, J

CP No.D-6311 of 2021

Fresh Case

1. For orders on Misc. No.26808/2021 (urgent)
2. For orders on office objection No.10, 18 and 26
3. For orders on Misc. No.26809/2021 (exemption)
4. For orders on Misc. No.26810/2021 (stay)
5. For hearing of main case

22.10.2021

Mr. Raja Abdul Malik, Advocate for petitioner

**AHMED ALI M. SHAIKH, CJ.-** Through instant Petition, Petitioner M/s Traditional Builders and Developers (Pvt.) Limited through its Director Mirza Atif Baig, has impugned the notice dated 6.10.2021 issued under Section 3(1) of the Sindh Public Property (Removal of Encroachment) Act, 2010, by the Respondent No.7, Mukhtiarkar Taluka Manghopir, Karachi West, directing him to stop sale and purchase of the land measuring 80 acres situated in NC 30 Deh Nagan, Taluka Manghopir.

2. Learned counsel for the Petitioner submits that in the year 1995 after obtaining NOC and approval from the concerned authorities, the Petitioner launched a scheme under the name and style "Gulshan-e-Surjani" at Deh Nagan, Tappo Songal, Taisar Town, Scheme 45, admeasuring 80 Acres (the "**Scheme**"). He further submitted that after booking of plots in the Scheme and receiving instalments from the respective allottees the Petitioner had started handing over physical possession of the plot in 2000 and completed it in the year 2007. He alleged that the Respondent No.7 at the instance of some land grabbers has issued the impugned notice with sole object to harass and blackmail the Petitioner. He pointed out that on 11.10.2021 the Petitioner has submitted a reply to the aforesaid notice (copy available at page No.341 of the file).

3. Heard learned counsel for the Petitioner and perused the documents, including the impugned notice and the reply submitted thereto. In paragraph No.1 of the reply to the impugned notice the Petitioner has categorically stated that:-

“That as per record of Traditional Builders and Developers sale out the project in the year 1995 and my client have no sale and purchase of above said property project Gulshan-e-Surjani, NC-30, Deh Nagin, Taluka Manghopir, Measuring 80 Acres.

Since the Petitioner has categorically stated that the land in question has already been sold out to different allottees, who, even otherwise, have not authorized the Petitioner to file the instant Proceedings on their behalf, he has no *locus standi* to invoke the Constitutional Jurisdiction of this Court. Accordingly, while granting the misc. application seeking urgent hearing, the Petition alongwith remaining pending applications stands dismissed.

Chief Justice

Judge