ORDER SHEET IN THE HIGH COURT OF SINDH, KARACHI C.P. No.D-6377 of 2021

Date

Order with Signature(s) of Judge(s)

Fresh Case.

- 1. For order on Misc. No. 27173/2021.
- 2. For order on office objection No.1.
- 3. For order on Misc. No. 27174/2021.
- 4. For order on Misc. No. 27175/2021.
- 5. For hearing of main case.

26.10.2021

Mr. Irfan Bashir Bhutta, Advocate for petitioner.

- **1.** Urgent application is granted.
- **3.** Exemption application is granted subject to all just exceptions.
- **2,4&5.** Through instant petition, the petitioner, inter alia, seeks declaration to the effect that the respondent No.5 (Mukhtiarkar, Gothabad, District West, Karachi) has rightly issued the *Sanad* and the respondent No.8 is illegally harassing him, who wants to start China cutting on his land. He also seeks directions to respondents not to take coercive action against him including lodging of FIR.

It is alleged by the learned counsel for the petitioner that by virtue of inheritance he is the owner of Plots No.740 and 779, Tikry Village, Maripur, Hawksbay Road, Karachi, under *Sanads*, issued by the respondent No.5. It is further alleged by the learned counsel that on 16.10.2021 the respondent No.6 (Official Assignee) issued a letter to respondent No.7 (SHO P.S. Maripur) for lodgment of FIR for committing theft and against the trespassers and encroachers. It is also alleged by the learned counsel that the respondent No.8 is involved in land grabbing and he is harassing the petitioner and his family members on the basis of said letter dated, 16.10.2021; hence, this petition has been maintained.

So far the prayer with regard to alleged declaration is concerned, it may be observed that a declaration of title, interest and legal character of a person in respect of an immovable property being matter of "disputed facts" cannot be granted by this Court under its Constitutional Jurisdiction, under Article 199 of the

Constitution of Islamic Republic of Pakistan, 1973 as the same requires recording of pro and contra evidence of the parties which is the domain of the competent civil Court in terms of Section 42 of the Specific Relief Act, 1877.

As regard alleged "harassment", suffice it to say that lodging of an FIR for commission of a cognizable offence is a legal course for an aggrieved person and under Section 154, Cr. P.C. an officer in-charge of a police station is duty bound to reduce to writing any information related to the commission of a cognizable offence and to enter the same in 154, Cr.P.C. Book. Such act of an in-charge of a police station cannot be termed as "harassment".

It appears from the perusal of the alleged letter (Annexure 'F' at page No.59 of the memo of petition), issued by the respondent No.6 on 16.10.2021 to respondent No.7 that the respondent No.8 is the Supervisor of Habib Ocean Industries (Salt Works), appointed by this Court in Suit No.510 of 1977 who is under obligation to lodge reports for theft, encroachment, trespassing and illegal damage to the assets of the Habib Ocean Salt Works; therefore, if any such FIR on a complaint of respondent No.8 is lodged by the respondent No.7 for commission of a cognizable offence, it will be performing of his lawful duty. Hence, this petition being devoid of any merit is dismissed in limine, alongwith pending applications.

JUDGE

JUDGE

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