ORDER SHEET IN THE HIGH COURT OF SINDH, KARACHI C.P. No.D-7194 of 2021

Date

Order with Signature(s) of Judge(s)

Fresh case:

- 1. For orders on Misc. No.31444/2021.
- 2. For orders on Misc. No.31445/2021.
- 3. For orders on Misc. No.31446/2021.
- 4. For orders on Misc. No.31447/2021.
- 5. For hearing of main case.

10.12.2021

Mr. Waqar Ahmed Abbasi, Advocate for Petitioner.

- 1. Urgent application is granted.
- 2. Exemption application is granted subject to all just exceptions.

3to5. Learned counsel for the petitioner contends that in the year 2010, the petitioner purchased an open commercial plot No.13, Block-SB, admeasuring 400 Sq. Yds. in a project known as "Shah Jillani Housing Society", situated at Shahrah-e-Qaddafi main Northern Bypass. He further contends that in the month of September, 2021 the respondents No.10 and 11 (private respondents) started construction of boundary wall around the subject plot on that the petitioner approached to respondent No.8 who called the respondent No.10 at Police Station, where he showed lease papers issued by the respondent No.3 (Project Director KMC, Orangi Township) in his favour which were got verified by the respondent No.3 through letter dated 11.09.2021 on that the official respondents verbally replied that lease documents of respondent No.10 are bogus; hence, the instant petition has been filed by the petitioner seeking, inter alia, direction to respondents to act in accordance with law and to provide legal protection to the subject

property of the petitioner, remove the illegal construction made on it and to handover its possession to the petitioner.

Admittedly, this petition carries disputed facts with regard to title of the subject property which cannot be determined and adjudicate without recording pro and contra evidence of the parties. Such exercise cannot be done by this Court in its extraordinary Constitutional jurisdiction under Article 199 of Constitution of Islamic Republic of Pakistan as the same is the domain of a civil competent Court. Hence, this petition being not maintainable is dismissed accordingly alongwith listed applications, leaving the petitioner at liberty to approach the relevant forum for redressal of his grievance under usual mode of proceedings, if so advised.

JUDGE

JUDGE

Abrar