## ORDER SHEET IN THE HIGH COURT OF SINDH, KARACHI C.P. No.D-4631 of 2015

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Date

Order with Signature(s) of Judge(s)

## **Priority**:

- 1. For hearing of CMA No. 20117/2015.
- 2. For hearing of main case.

## 07.12.2021

- Mr. Hassan Khursheed Hashmi, Advocate for Petitioner.
- Mr. Muhammad Asif Malik, Advocate for respondents No.2&3.
- Mr. Khursheed Javed, Assistant Attorney General.
- Mr. Miran Muhammad Shah, Addl. A.G.

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Through instant petition, the petitioner i.e. Sir Syed Cooperative Housing Society Limited, inter alia, seeks following reliefs:-

- a) Declare that the respondents No.1-3, have no legal authority or right to forcibly hold the Sacrificial Animals Mandi on the petitioner land i.e. Sector 20-A, Scheme No.33, Gulzar-e-Hijri, Karachi.
- b) Restrain the respondents No.1-3 and even its agents, servants, or anyone else claiming through them or acting on their behalf from holding Sacrificial Animals Mandi or to cause any damage to said Society's development work, in any manner whatsoever.
- c) Direct the respondent No.4 to ensure that no one whosoever he may be may not be allowed/permitted to forcibly hold Sacrificial Animals Mandi on Society's land.

It is case of the Petitioner-Society that internal development i.e. boundary wall, un-metalled roads, demarcation of plots, water lines etc. carried on the land of Petitioner-Society situated in Sector 20-A, Scheme No.33, Gulzar-e-Hijri, Karachi, admeasuring 30 acres, has been badly destroyed by holding Sacrificial Animals Mandi by the respondents, to which the Petitioner-Society vide letter dated 10.06.2015 conveyed to the respondent No.2 (The Station Commander Malir, Station Headquarter,

Malir Cantonment, Karachi) for not holding Sacrificial Animals Mandi in the year 2015 on the land of the Petitioner-Society; however, despite of such fact and issuance of said letter some officials of the respondent No.2 visited the Society's land in the second week of July, 2015 for the purpose of holding Sacrificial Animals Mandi deprive members of the Petitioner-Society. Hence, this petition has been maintained.

The comments have been filed on behalf of Respondents No.2&3, wherein they have denied the allegations against them and have maintained that they always acquire land through lease/license agreement for a limited period to hold cattle mandi with the consent and settlement of consideration amount; however, they never acquired the land of the Petitioner-Society.

Learned counsel for the petitioner contends that in fact the respondents No.2&3 had occupied the land of the Petitioner-Society for the purpose of holding Sacrificial Animals Mandi in past without entering into any lease agreement and paying any amount; however, he seeks disposal of the petition by directing respondents No.2&3 to ensure that in future they shall not hold Sacrificial Animals Mandi on the land of the Petitioner-Society without entering into a proper lease agreement. Order accordingly.

Petition stands disposed of alongwith pending application.

JUDGE

**JUDGE** 

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