

**Order Sheet**

**IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR**

**C. P No. D – 687 of 2019**

<b>Date</b>	<b>Order with Signature of Hon'ble Judge</b>
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**Hearing of case**

1. For hearing of CMA 6173/21
2. For hearing of CMA 2614/2019
3. For hearing of main case

**02-02-2022**

Syed Qasim Raza Shah, Advocate for the Petitioner.  
Mr. Zulfiqar Ali Naich, Assistant Advocate General

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Through this Petition, the Petitioner has sought the following relief:

“(a) To make declaration that act of the respondents whereby they illegally occupied/acquired/taken up the land of the petitioner by constructing the supplementary link Canal on it, is wholly illegal and without lawful authority and without jurisdiction.

(b) To direct the official respondents to pay the compensation as per prevailing market value.

(c) To direct the official respondents to pay the separate compensation with the tune of Rs. 5000000/- (Fifty Lac Only) for destruction of the house of the petitioner.

(d) To declare that the act of the respondents hit the Article 23 & 24 of the Constitution.

(e) Declare that the respondent No.7 have not entertained the compensation petition/application of the petitioner, which is against the natural justice.

(f). To direct the official respondent not to harass the petitioner and his family members in any manner”.

Notice was ordered and comments have been filed on behalf of the Respondent No.4, wherein an objection has been raised as to the maintainability of this Petition on the ground that the Petitioner had earlier availed civil remedy by way of civil Suits.

While confronted, Counsel for the Petitioner is not in a position to satisfy the Court and seeks disposal of the Petition by directing the respondents to decide the Petitioner's case, however, we are not impressed with such request inasmuch as admittedly the Petitioner has already availed civil remedy by way of F.C Suit No.95 of 2009, which

already stands dismissed and thereafter another Civil Suit No.14 of 2006; whereas, subsequent Suit was withdrawn vide order dated 30.01.2018 on the ground that there are some technical issues involved and the Petitioner after withdrawal of such Suit will file afresh Suit. This conduct of the Petitioner does not warrant any interference in exercising this constitutional jurisdiction as neither the Petitioner has come with clean hands nor the relief, which has been sought as above, can be granted in a Constitutional Petition.

Accordingly, this Petition being misconceived is hereby dismissed with pending applications; whereas, the Petitioner is warned to be careful in future, failing which heavy cost will be imposed.

**JUDGE**

**JUDGE**

*Ahmad*