

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH, CIRCUIT COURT,**  
**HYDERABAD**

C.P. No. S-345 of 2021

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<b>DATE</b>	<b>ORDER WITH SIGNATURE OF JUDGE</b>
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1. For order on office objections.
2. For hearing of main case.

**04.10.2021**

Mr. Shah Nawaz Laghari, Advocate for the petitioners.  
Mr. Rafique Ahmed Dahri, Assistant Advocate General, Sindh.  
Mr. Fayaz Hussain Sabki, Assistant Prosecutor General, Sindh

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**KHADIM HUSSAIN TUNIO, J-** Through instant petition, petitioners seek the following reliefs:-

- a. That this Honourable Court may be pleased to direct the respondent No.2 to 4 to provide legal protection to the petitioners against the harassment and threats caused by the private respondents being respectable citizen of Pakistan.
- b. That this Honourable Court may be pleased to direct the respondent No. 4 not to harass the petitioners at the instance of private respondents.
- c. Direct the respondent No. 4 not to interfere in peaceful possession of the petitioners over the disputed land.
- d. Any other relief which this Honourable Court may deem fit and proper under the circumstances of the case."

2. At the time of hearing the arguments, learned counsel for the petitioners was put on notice to satisfy the Court as to the maintainability of the present petition. He has reiterated the same contentions as contended in the memo of petition. Perusal of record contemplates that the petitioners have averred in the

present petition that respondents No. 7 to 13 are continuously harassing and threatening the petitioners, since long, to dispossess them from the land bearing survey No. 64/1 to 7, 9, 12, 14 to 16 area 14-00 acres, survey No. 66/3 to 6, 12, 13 area 6-00 acres and survey No. 81/3 to 5, 9 to 12 acres 7-00 acres total admeasuring 27-00 acres situated in Deh 116, Tappa Old Mirpur, Taluka Hussain Bux Mari, District Mirpurkhas.

3. Undoubtedly, the matter in hand is involving a factual controversy between the petitioners and private respondents over an immovable property needing serious proof and evidence for resolution thereof before the Court of competent jurisdiction which cannot be gone into in proceedings under Article 199 of Constitution of Islamic Republic of Pakistan, 1973. In this regard reliance is respectfully placed on the case of *Aijaz Hussain u. Registrar and others (1999 SCMR 2381)* wherein the Hon'ble Apex Court of Pakistan has been pleased to hold that matter necessitating enquiry into the case could not be gone into in constitutional proceedings. Thus, the petition being not maintainable at law was dismissed by short order dated 4.10.2021. However, petitioners are at the liberty to avail legal remedy before the competent court of law, if they choose so. These are the reasons for the same.

JUDGE

Muhammad Danish\*