

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

C.P. No.D-6550 of 2020

Date	Order with signature of Judge
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1. For orders on CMA No.10111/2021.
2. For orders on CMA No.10112/2021.
3. For hearing of main case.

12.04.2021

Mr. Syed Mustafa Mehdi, Advocate, for the applicant

Mr. Salman Talibuddin, Advocate General Sindh
Mr. Syed Muhammad Altaf, Advocate - SIDA

1. Granted.

2. This application, per Section 151 CPC, has been preferred¹ seeking to enable the applicant to remove his belongings from bungalow EE/11 Barrage Colony Sukkur ("Property"). Learned counsel submits that the applicant would be satisfied if permitted to remove his belongings, under the supervision of a functionary of the High Court, within a specified period of two days. The learned Advocate General submits that he has no objection if the application is disposed of in such terms.

It is pertinent to record that the learned Divisional Bench of this Court at Sukkur had ordered² the Assistant Registrar to take possession of the Property, ostensibly on account of the same being an illegal encroachment on irrigation land; however, no restraint appears to have been placed in respect of the personal belongings therein contained, in respect whereof an inventory was also ordered to be prepared.

In view hereof, the Assistant Registrar at Sukkur is directed to supervise the removal of the applicant's belongings from the Property, during Court hours on 14.04.2021 and 15.04.2021. The applicant shall ensure that that his belongings are removed, at his own cost, within the stipulated time. The order dated 24.11.2020 remains in the field and the Assistant Registrar shall ensure that the possession of the Property remains as directed vide the aforesaid order at all

¹ Pursuant to the Order of the honorable Supreme Court dated 24.03.2021 in Civil Petition 3190 of 2020 (*Syed Javed Hussain Shah vs. Mian Abdul Rahim Manghar & Others*).

² Vide Order dated 24.11.2020.

times and may seek the assistance of the law enforcement authorities, *inter alia* as contemplated vide the said order, if so required. This application is disposed of accordingly and the office may electronically transmit a copy hereof to the Assistant Registrar at Sukkur forthwith.

3. It is noted with concern that that while the progress report dated 06.03.2021, submitted by *Mr. Sohail Anwer Siyal*, *Mr. Syed Mumtaz Ali Shah* and *Mr. Muhammad Saleem Raza*, represented that *Phase I* of the removal of encroachment endeavor has been duly completed³, however, the verification reports submitted by the learned District Judges, placed on record vide MIT Report dated 20.03.2021, *prima facie* suggest otherwise.

Learned Advocate General has sought time in such regard, till the next date of hearing, and requested that initiation of appropriate proceedings against *Mr. Sohail Anwer Siyal*, *Mr. Syed Mumtaz Ali Shah* and *Mr. Muhammad Saleem Raza* be eschewed till such time.

Adjourned; to be taken up on 19.04.2021 at 11am, when the matter is already fixed.

JUDGE

JUDGE

JUDGE

³ Reference is also made to the statement of the learned Advocate General in such regard, as recorded vide Order dated 08.03.2021.