ORDER SHEET IN THE HIGH COURT OF SINDH, KARACHI Crl. Rev. Application No. 31 of 2022.

Date Order with signature of Judge

- 1. For orders on M.A. No. 2487 of 2022 (U/A)
- 2. For orders on office objection a/w reply at flag "A".
- 3. For orders on M.A. No. 2006/2022 (Ex./A)

4. For hearing of main case.

25th February 2022

Mr. Akbar Hussain, advocate for the applicant.

- 1) Urgency granted.
- 2-4) Heard learned counsel and perused record.

It would be conducive to refer paragraphs No. 5, 6, 7 as well as prayer clause of the complaint, which are that:-

- "5. That the private respondent/accused No. 1 to 5 have illegally disposed the Complainant/Petitioner from his land by way of installing/constructing the boundary wall around the subject plot of petitioner with mala fide intentions and ulterior motives.
- 6. That the Complainant / Petitioner visited the subject plot situated in the jurisdiction of Police Station Malir Cant on 20.11.2020 and astonished to see the encroachment on his land. They were/are using the tractors and other heaving machines for levelling the floor of the plot and stored the blocks thereat, the bags of cements and other necessary things for construction of the boundary walls. The respondents/accused also posted security guards on the subject plot which restrained the Complainant/Petitioner from entering into the premises.
- 7. That the Complainant/Petitioner enquire about the construction of the wall and res trained them from illegal constructions on his land, Respondent/Accused No. 2 and 3 introduced themselves to be the Supervisor of the construction work and said that he is supervising the construction work of boundary wall as per the instructions of Col® Aftab Ahmed (Respondent/Accused No.1).

PRAYER

It is therefore, prayed that this Honorable court may be pleased to direct Respondent No.6 to 9 to get vacated the plot D-50 Syed Village Sector 42-A, Scheme 33 Karachi as mentioned in the contents of Memo of complaint from the accused/Respondent No.1 to 5 and they may further be

directed to remove the encroachment, illegally made by them on the subject plot of complainant/Petitioner. The direction may be given to official respondents to take prompt legal action against the accused/Respondent No.1 to 5 with immediate effect."

Learned counsel for the applicant, *inter alia*, contends that respondents have illegally dispossessed the applicant. He, while emphasizing upon section 3 of the Illegal Dispossession Act 2005, contends that any occupant or legal owner can file direct complaint under Illegal Dispossession Act 2005. There is no cavil to the proposition of law that occupant or a person having legal character is competent person to file direct complainant but under Illegal Dispossession Act the main ingredient is forcible dispossession, which is lacking in the present complaint as well as prayer clause thereof. Accordingly, impugned order is in accordance with law; present Crl. Revision Application is dismissed alongwith listed applications.

JUDGE