

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

C.P. No.D-780 of 2021

| DATE | ORDER WITH SIGNATURE OF JUDGE |
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19.04.2022

Mr. Rafique Ahmed Dahri AAG Sindh.
Mr. Muzamil Bughio advocate for Sindh Building Control Authority.

Perhaps on surmises and conjectures petitioner was able to file this petition challenging the alleged conversion of agricultural land into commercial and further sought direction against the official respondents to perform their duties in accordance with law especially Sindh Building Control Authority and the authority under Sindh Building and Town Planning Regulations. They further sought direction against respondents No.1, 2, 6 & 7 to restrain respondents No.8 to 11 from encroaching upon the undemarcated land of the petitioner. Petitioner on the last date was called absent and so also on 15.03.2022 when Mr. Ayatullah held his brief. We have been informed by counsel appearing for Sindh Building Control Authority that no such plan over the land was ever approved by SBCA. It was a joint property and perhaps the dispute between private parties i.e. petitioner and private respondents over the division of the land in question, as could be seen from a document attached with the counter affidavit of Muhammad Yousuf, which dispute could only be entertained by the court of original jurisdiction / civil court. We have also been informed by learned AAG that no such land was ever converted from agricultural to commercial and the use of the land is still the same. No such housing scheme or project has ever been launched to the knowledge of SBCA which otherwise not explained by petitioner. Petitioner and his counsel are not appearing in the matter. However, considering the above facts and circumstances we deem it appropriate to dismiss it for non-prosecution along with pending application.

JUDGE

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