

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

C. P. No. D — 409 of 2019.
C. P. No. D — 985 of 2021.

DATE	ORDER WITH SIGNATURE OF JUDGE[S]
<u>11.05.2022.</u>	

FOR HEARING OF MAIN CASE.

Mr. Abdul Hameed Bajwa Advocate for petitioner in C.P. No.D-409 of 2019.

None present for petitioner in C.P. No.D-985 of 2021.

Mr. Muzammil Khan Bughio Advocate for respondent / SBCA.

Mr. Allah Bachayo Soomro Addl. A.G. Sindh.

Petitioner claims to be a resident of Isra village near Isra Hospital Hala Naka Hyderabad. Isra village which is a housing scheme claimed to have been launched by some private respondents i.e. 15(a) to (d) who claimed to be the founding members of Isra Foundation to whom funds were donated by a royal family of Saudi Arab for promoting and imparting education. For this purpose huge lands were purchased. Although this housing scheme claimed to be a separate investment but it has not been disclosed as to what is the status of the petitioner with regard to the land in question. He only claimed to be an occupant. Petitioner sought a mandatory injunction order against respondents No.6 & 7 being Director Planning and Development Control and Regional Director Sindh Building Control Authority to restrain private respondents 15(a) to (d) from using the residential plots for commercial purpose as some of the private respondents are running girls hostel on a residential plot. They further sought direction for respondents No.6 & 7 to block the newly created gate for the use of Pak Turk School and that to ensure the construction of Gymnasium, School and Community Center.

We have been further informed that a number of suits are pending at Principal Seat Karachi where dispute amongst the founding members of Isra Foundation as well as Isra University is pending and the misuse of funds being donated by the royal family of Saudi Arabia and proceeds from Isra University is subjudiced.

Petitioner has not placed any document that concerns with his title of the premises which he occupied. The questions as observed above and as raised in the petition require thorough probe which could not be undertaken in these proceedings under Article 199. Petitioner has not sought any relief for himself. In all that has been prayed is that respondents No.6 & 7 be directed to act against respondents No.15(a) to (d). Nothing regarding declaration of the property is being sought.

In the connected petition also a notice of ADC-I / Deputy Commissioner Hyderabad issued to Assistant Commissioner (Revenue) was challenged which has authorized Assistant Commissioner (Revenue) with reference to illegalities and irregularities mentioned therein to take a cognizance and to initiate proceedings under section 164 of Sindh Revenue Act 1967. A show cause notice dated 03.05.2021 was then issued calling some of the individuals including petitioner to appear in person or through an Advocate to respond to the queries by filing written statement / objections, documentary evidence before the authority by 20.5.2021 at 11-00 a.m.

The prayer does not disclose as to which of those letters / notices have been impugned as the date of the impugned notices is not disclosed in the prayer clauses. By going through the grounds it appears that the letter of the Additional Deputy Commissioner-I Hyderabad dated 21.12.2020 has been challenged which has only instructed the Assistant Commissioner (Revenue) to consider the queries as raised therein with regard to the entries and in consequence thereof a show cause notice was issued. Such show cause notice itself is a lawful process initiated to ascertain the genuineness of the entries and the lawful claim of the petitioner. The petitions as such are not maintainable and are accordingly dismissed. The proceeding under a show cause notice may continue and be taken to its logical end.

JUDGE

JUDGE

A.