

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH, KARACHI**  
C.P. No.D-5405 of 2020

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| Date | Order with signature of Judge |
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Fresh Case:

1. For orders on Misc. No.23157/2020 (Urgent/App)
2. For order on Misc. No.23158/2020 (Exemption/App)
3. For order on Misc. No.23159/2020 (Stay/App)
4. For hearing of main case.

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03.11.2020.

Petitioner, Muhammad Akbar Ali, in person.

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1. Urgency granted.
  
- 2-4. The instant petition has been filed on the ground that the respondent may be restrained from creating hindrance and to direct the respondent to furnish a reply of the notice dated 14.10.2020 addressed by the petitioner to the respondent and not to interfere in the title of the petitioner.

Briefly stated, the facts of the case are that the petitioner claims that he is the owner of the property bearing No.L-21/18, Block-13, Gulshan-e-Iqbal, Karachi and the respondent is creating hindrance by time and again approaching the petitioner unnecessarily.

The petitioner has been heard and record has been perused.

We specifically asked a question from the petitioner to show us any letter or correspondence addressed to the petitioner by the respondent with regard to creation of any alleged hindrance, to which he replied that there is no such correspondence. We again asked a question that how the letter dated 03.07.2019, which was addressed to the Deputy Director (Scheme-24), Master Plan Department SBCA, Karachi by the Assistant Director,

Land Management, KDA, has any concern with him, as the said letter was addressed by one government department to another, to which he replied that in the said letter comments on the application moved by the residents of certain plots was required and that since in the said letter the number of his plot has been mentioned hence he apprehends that action would be taken against him by the respondent. We further asked the petitioner that whether the KDA authorities have ever approached him in writing in any manner with regard to the allegations raised in the instant petition as well as the apprehension shown in respect of the above letter, to which he candidly replied in negative. On the very face of it, this petition appears to be premature and not maintainable being without any cause of action, as neither any letter nor any communication in writing was addressed to the petitioner or is shown to have been addressed to him. Moreover, this Court cannot pass any judgment or order with regard to the title of the property, allegedly claimed to be owned by the petitioner, as, in our view, this aspect requires detailed deliberation and is a factual controversy, which could not be resolved under Article 199 of the Constitution, since this Court cannot enter into disputed questions of facts. This petition, thus, is found to be wholly misconceived and not maintainable and is, accordingly, dismissed in limine along with the listed applications.

JUDGE

JUDGE