

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

C.P. No. D — 1125 of 2018.

DATE	ORDER WITH SIGNATURE OF JUDGE
-------------	--------------------------------------

29.03.2022

Petitioner present in person.
Mr. Muzammil Khan Bughio Advocate for respondents 2 to 7.
Mr. Rafique Ahmed Dahri, A.A.G. Sindh.

This petition was filed by two petitioners seeking removal of encroachment from the public / HDA land as being allottees. They further seek physical vacant possession of the allotted land.

Parawise comments have been filed by respondents No.2 to 7 and in reply to para-15 of the petition, in para-9 they have categorically stated that they are taking efforts for vacating and removing the encroachment on the subject land however, the encroachers sitting on it asserting their own independent right.

It appears that this petition involve disputed questions of fact that pertains to some rights of the occupants and unless those questions are addressed as to whether those in occupation or otherwise have any right, the question addressed in this petition cannot be resolved. For the resolution of such dispute this petition perhaps may not be competent since it involved resolution of dispute by recording evidence which is not possible in this writ. Hence we deemed it appropriate, without commenting on the rights of the petitioners and / or occupants asserting their rights, the petitioner may exhaust and pursue their remedy having jurisdiction in this regard. In case they so chooses, the trial court may sympathetically consider the time involved in contesting the dispute in this petition.

Petition stands dismissed in view of above facts and circumstances.

JUDGE

JUDGE

A.