

*ORDER SHEET*

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

C.P. No. D — 2419 of 2019.

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<b>DATE</b>	<b>ORDER WITH SIGNATURE OF JUDGE[s]</b>
<b><u>31.03.2022</u></b>	

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Petitioner present in person.  
Mr. Muhammad Jamil Ahmed Advocate for respondents 2 to 4.  
Mr. Irfan Ali Bughio Advocate files Vakalatnama on behalf of  
respondent H.D.A.  
Mr. Rafique Ahmed Dahri, A.A.G. Sindh.

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This petition seeks annulment of a cancellation order of a plot which was allotted to the deceased father of the petitioner No.1 i.e. Justice (Retired) Syed Abdul Rehman Shah. However, as ill luck would have it, he expired in the year 2014. Some of the legal heirs have now filed this petition that the impugned cancellation was unlawful as substantial amount towards the consideration of plot was paid. This stance was seriously denied by Mr. Muhammad Jamil counsel appearing for respondents No.2 to 4 on the count that against each unit the deceased deposited only Rs.5875/- against the total sale consideration of Rs.45000/-, thus despite publication notice, the deceased did not make payment. The advertisement was made in the year 2009, whereas the alleged allottee expired in the year 2014. Deceased's nephew had 7 plots in his name but this dispute includes two plots in the name of deceased only.

Be that as it may, in case the legal heirs intent to enforce their right of inheritance or any right i.e. arising out of the suit property, they may initiate proceedings before a court of competent jurisdiction which may include civil court as these questions concerns with eligibility and entitlement of petitioners cannot be resolved in these proceedings under Article 199 of Constitution of Pakistan.

The petition as such is disposed of.

**JUDGE**

**JUDGE**

A.

