

Order Sheet

IN THE HIGH COURT OF SINDH AT KARACHI

C. P. No. D- 6715 of 2016

C. P. No. D- 6810 of 2015

Date	Order with Signature of Judge
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For Direction :

1. For orders on CMA No.33009/2022 : [U/S. 12(2)]
2. For hearing of CMA No. 474/2019 : (Contempt)

21.12.2022 :

Petitioner Muhammad Usman present in person in C.P. No.D-6810 of 2015.
M/s. Shaikh Munir ur Rehman and Iqbal Khurram, Advocates along with
M. Yasin Shar, Director General, MDA, M. Irfan, Director, MDA, Asad Baloch
and Zahid Khan, XEN MDA.

Mr. Miran Muhammad Shah, A.A.G. Sindh along with Baqaullah Unar,
Senior Director, Board of Revenue Sindh and Dr. Liaquat Ali Abro,
Consultant Law to Chief Secretary, Govt. of Sindh.

Mr. Qaim Ali Memon, Advocate for Pakistan Rangers.

Mr. Muhammad Salim Mangrio, Advocate for applicants/intervenors.

A.S.I. Shoukat Ali, Police Station Shah Latif, Karachi.

1. Notice to all concerned.
2. A statement dated 20.12.2022 along with enclosures have been filed by the Chief Secretary Sindh. Copy of letter dated 19.12.2022 issued by the Director General MDA to the Secretary Local Government along with photographs have also been filed. All the above documents are taken on record. Officials of the Government of Sindh and MDA present in Court need not appear in future unless so directed.

This petition filed for allotment of an alternate plot in lieu of the original plot was allowed vide order dated 15.08.2017 by directing the Director General MDA to allot an alternate plot to the petitioner in lieu of her original plot within one (01) month after fulfillment of all legal and codal formalities. Thereafter, several contempt and other applications were filed and implementation of the said order was sought. Record shows that several orders have been passed on the said applications in this disposed of petition by directing the respondents and other Government functionaries to remove encroachments from the entire land falling in Sectors 30 and 30-A Shah Latif Town, Karachi. In view of the principle of "Judicial Overreach" enunciated by the Hon'ble Supreme Court in Mian Irfan Bashir V/S The Deputy Commissioner (D.C.) Lahore and others, PLD 2021 SC 571 and Chief Executive Officer, Multan Electric Power Company Ltd., Khanewal Road, Multan V/S Muhammad Ilyas and others, 2021 SCMR 775, the petitioners, learned counsel for the parties and learned AAG shall assist the Court on the next date of hearing regarding the sustainability of the said subsequent orders

passed in this disposed of petition, particularly when the same are clearly beyond the scope of the petition and the relief granted therein. To be listed in **January 2023**. Till then, no further coercive action for removal of the alleged encroachment shall be taken.

JUDGE

JUDGE

Nasir