

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI.

C.P No. D-1666 of 2023

Dated Order with signature of Judge.

Fresh case

1. For order on Misc. No.8252/2023
2. For order on Misc. No.8253/2023
3. For hearing of main case.

03.04.2023.

Mr. Tahir Rahim, Advocate for the Petitioner

YOUSUF ALI SAYEED, J.- The Petitioner has invoked the jurisdiction of this Court under Article 199 of the Constitution, alleging the misuse of the Sindh Public Property (Removal of Encroachment) Act 2010 by the Anti-encroachment Force constituted under the Act, with it being said that the Respondents Nos. 5 to 9 are complicit in such exercise in order to harass the Petitioner.

It has been alleged in that regard that the Petitioner has been receiving calls on his cell number from persons named Aziz & Sheraz, who are extending threats while seeking to extort illegal gratification in the name of Anti-encroachment Department. However, as it transpires, those persons are not arrayed as Respondents and it is only various functionaries of the Anti-encroachment Force that have been impleaded by designation without specifying their names. In such a framework, it has been pleaded that the Respondents Nos. 5 to 8 arrested the Petitioner on 19.02.2023 by conducting a raid at his home, when they also allegedly stole certain gold ornaments and a watch and also obtained Rs.5 lac from him for his release while threatening that he would otherwise be booked in a number of false FIRs under the garb of the aforesaid Act.

In that backdrop the Petitioner has prayed that the Respondent No.1, being the Law Department of Government of Sindh, be directed to revisit the Act and submit a draft for its amendment before the legislature so that such misuse may be stopped and an impartial inquiry be conducted against the various functionaries arrayed by designation as the Respondent Nos. 3 to 9, who may be directed not to use the Act against the Petitioner and not to create any harassment against him.

Having considered the matter, we are of the view that the Petition is entirely misconceived. Indeed the memo of petition does not even contain the names of the persons who are said to have acted against the Petitioner. Furthermore, on query posed, learned counsel conceded that the Petitioner had also not availed the remedies provided under the law so as to register any complaint or FIR against the person(s) who had allegedly either approached him for illegal gratification or acted so as to deprive him of his liberty or property.

That being so, while granting the application for urgency we hereby dismiss the Petition in *limine* along with the other pending miscellaneous applications.

JUDGE

CHIEF JUSTICE