

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Const. Petition No. D-1459 of 2023
(*Hafiz Muhammad Ramzan Brohi v. P.O Sindh & others*)

Present:-

**Mr. Justice Muhammad Iqbal Kalhoro &
Mr. Justice Arbab Ali Hakro**

Mr. Nusrat Hussain J. Memon, Advocate for petitioner.

Date of Hearing & Order: **29-11-2023**

ORDER

MUHAMMAD IQBAL KALHORO, J:- Petitioner has filed this petition alleging harassment by respondents, particularly respondent No.8/MCO, ZTBL Bhiria-Naushahro Feroze. His case is that he had obtained loan from respondent No.8 on mark-up for development of his agricultural land which he had already paid along with mark-up. A letter thereafter was written by the Manager, ZTBL for removing mortgaged entries from the record-of-rights of the land of the petitioner, which was complied with and mortgaged entries were removed. After such development, the petitioner requested for return of pass book, security deposits and other documents, deposited against loan as security, but to no avail. He was, in the end, informed that his loan had been re-scheduled and there was certain outstanding amount against him. On this issue, respondents including Bank officials are causing harassment to him and exerting pressure on him for payment of loan which is illegal.

2. On the last date of hearing, learned counsel was put on notice to satisfy the Court about maintainability of this petition. We have heard him today. Record reflects that before approaching this Court, the petitioner had filed a Crl. Misc. Application against respondents before II-Additional Sessions Judge/ex-Officio Justice of Peace, Naushehro Feroze which has been disposed of in the terms whereby respondents have been directed to adopt due course of law in the case of petitioner. Petition further reflects that petitioner has already been issued a notice by the Bank demanding remaining loan amount of Rs. 700,000/-, which issue either in favour of the petitioner or against him cannot be

decided in writ jurisdiction as this being a factual controversy requires evidence. More so, the petitioner has an adequate remedy to approach the Civil Court etc. for settlement of accounts etc. and get his relief. This petition apparently on this cause of action is not maintainable. Besides, there is no proof that except in accordance with law i.e. issuing notice, any other mode has been adopted by the Bank officials for recovery of loan amount from the petitioner. This being the position, the petition is not maintainable and is accordingly **dismissed in limine** along with pending application(s).

JUDGE

JUDGE

Ahmad