

**ORDER SHEET**

**THE HIGH COURT OF SINDH, AT KARACHI**

**C.P. No.D-7450 of 2019**

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Dated: Order with signature(s) of Judge(s)  
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1. For order on CMA No.925/2023
2. For order as to maintainability of petition

**23.01.2023**

Mr. Shaikh Javed Mir, Advocate for the petitioners.  
Mr. Suneel Talreja, Addl.A.G.

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Learned counsel for the petitioner submits that purpose of filing of the instant petition has been served out, as the SHO who was creating harassment to the petitioner at the time of instant petition has been transferred, therefore, petitioner will be satisfied and will not press instant petition, if the respondents may be directed not to create harassment to the petitioner in respect of subject plots and construction to be raised thereon in accordance with law. Learned Addl. A.G. submits that instant petition is pending since 2019, whereas, the learned counsel for the petitioner was confronted by this Court to assist the Court as to maintainability of instant petition, which has been filed alleging harassment by police and official respondents, however, from perusal of the prayer clause, it appears that the petitioner is claiming relief relating to title, possession and construction over the subject plot, which cannot be decided by this Court in constitutional jurisdiction, and can be decided by the competent Court of civil jurisdiction.

While confronted, learned counsel for petitioner could not controvert the above objection. Accordingly, instant petition is disposed of with the directions to the petitioner to approach the relevant authorities, in case of any interference by the official respondents with regard to their lawful right, title and possession, if any, whereas in case there is some dispute with regard to such right, title and possession, the official respondents may proceed against the petitioner strictly in accordance with law.

Petition stands disposed of in the aforesaid terms alongwith listed application.

**JUDGE**

**JUDGE**

Hafiz Imran