

Order Sheet
**IN THE HIGH COURT OF SINDH,
CIRCUIT COURT, HYDERABAD**

C.P. No. D- 1972 of 2022

[Sarmad Sattar Laghari & others v. Province of Sindh and others]

BEFORE :

Mr. Justice Khadim Hussain Tunio
Mr. Justice Yousuf Ali Sayeed

Petitioners : through Ms. Tahreem Jawahery, Advocate

Respondents : Nemo

Date of hearing
& decision : 15.05.2024

O R D E R

YOUSUF ALI SAYEED, J.- This petition under Article 199 of the Constitution was presented on 31.5.2022 with it being prayed that this Court be pleased to restrain the Respondent No.9, who is a private individual, from carrying on construction of an apartment building over a plot said to be adjacent to the main gate of the society within which the Petitioners reside. The case is predicated on the assertion that the construction work being undertaken was said to be blocking the entrance of the society and causing other nuisances. As for the plot on which such construction was being raised, it was alleged that the same was reserved for government quarters and did not admit to use in the private domain. As such, it was prayed that a probe be ordered through the Anti-Corruption Establishment and that the construction be demolished.

2. As it transpires no effort was taken to press the Petition, inasmuch as counsel was called absent when the matter was firstly put up in Court on 17.08.2022, with no step being taken thereafter to have the matter re-fixed until such time as it came up again in Court today.

3. Upon the matter being taken up, counsel proceeded with her submissions, and on query posed as to what stage the construction had reached in the intervening period, conceded that the building had

been completed. However, upon a further query being posed as to whether any useful purpose would be served through the petition being pressed at this stage and whether or not the same ought to be withdrawn, she did not respond to such query.

4. Turning then to the merits of the case, it is apparent that the matter has become infructuous to the extent of the plea of nuisance. Furthermore, no cogent material has been placed on record to substantiate the assertion regarding the status of the subject plot, and if the Petitioners have any documentary proof in that regard and are of the view that there has been any act of corruption or corrupt practices, they are at liberty to place the same before the concerned anti-graft agency for consideration.

5. As such, for the foregoing reasons the petition was found to be misconceived and was dismissed in *limine* vide a short Order dictated in Court upon culmination of the hearing on 15.05.2024.

JUDGE

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