

**Order Sheet**  
**IN THE HIGH COURT OF SINDH,**  
**BENCH AT SUKKUR**

Const. Petition No.D-871 of 2018

Date of hearing	Order with signature of Judge.
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**Applications in d/o case**

- 1.For orders on CMA 71/2024
- 2.For orders on CMA 787/2024
- 3.For orders on CMA 1643/2024
- 4.For orders on CMA 788/2024
- 5.For hearing of CMA 72/2024
- 6.For hearing of CMA 1644/2024

**30-05-2024**

Mr. Bakhshan Khan Mahar, Advocate for the petitioners.  
Mr. Iftikhar Ali Arain, Advocate for applicants/intervenors.  
Mr. Zulfiqar Ali Naich, Assistant A.G.

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This petition filed for removal of construction raised on an amenity plot of Gur Mandi in Kandiaro Town district Naushahro Feroze was disposed of on 01.11.2023 on the statement of Town Officer, Town Committee, Kandiaro that the plot in Gur Mandi Kandiaro was vacant, but on some portion, the shops on rent were available. In reply to a question, he had submitted that rent of few hundred rupees was being charged from each shop, which he had failed to justify keeping in view the rent of shops upto Rs.25000/- per month situated in nearby area. He had therefore undertaken that the rent of shops rented out by Town Committee, Kandiaro would be enhanced to Rs.10,000/- per month.

2. Listed application (CMA 1644 of 2024) for review of the order has been filed by the shopkeepers/applicants/intervenors on the ground that shopkeepers were not heard and this issue was not pending before the Court when this petition was disposed of.

3. We have heard parties and perused material available on record. Arguments, as above, have been rebutted by learned AAG and learned counsel for the petitioners. In the order, of which review is being sought, no direction has been given by this Court to any authority to enhance the rent of the shops to a particular amount. The fact of rent of Rs.10,000/- transpiring in the order has been recorded in reference to

the undertaking given by the Town Officer, Town Committee, Kandiaro. Subsequently, if he has enhanced rent of the shops with reference to his statement before the Court, it will not be treated in compliance of some directions by this Court. Hence, review of which is neither maintainable, nor warranted. In any case, if the applicants, who are shopkeepers, are aggrieved by enhancement of rent, they may avail a remedy before the Rent Controller concerned, who, if approached, by the applicants through Rent Applications for such purpose, is directed to decide the applications on their own merits in accordance with law, independent of the order dated 01.11.2023.

4. Review application along with other listed applications is accordingly **disposed of** in the above terms.

**JUDGE**

**JUDGE**

Ahmad