

ORDER SHEET
IN THE HIGH COURT OF SINDH BENCH AT SUKKUR
Constitution Petition No. D-321 of 2024
(Mukhtiar Ali Shah Vs. Federation of Pakistan & others)

DATE OF HEARING	ORDER WITH SIGNATURE OF JUDGE
1.	For Orders on CMA No. 1327/2024 (U/A)
2.	For Orders on office objection.
3.	For Orders on CMA No. 1328/2024 (Ex./A)
4.	For Orders on CMA No. 1329/2024 (Stay)
5.	For hearing of main case.

27-03-2024.

Mr. Aneet Kumar Roopeja, advocate for the petitioner.

1. Granted.
2. Over ruled.
3. Granted subject to all just legal exceptions.

4&5. It is stated by the petitioner that the subject shops were leased to him by Pakistan Railway in year 2012 for period of 10 years, after its expiry, the lease period was extended for further 05 years; all of sudden the subject shops have been sealed by the respondents. It is in these circumstances, the petitioner by way of instant petition has sought for de-sealing of the subject shops to run his business therein as per extended period of lease. On asking, learned counsel for the petitioner was fair enough to say that no document in writing was provided to the petitioner for extension of lease period; however, the petitioner has deposited the lease amount for extended period with the respondents and produced photocopies of such receipt; perusal whereof reveals that such amount was deposited by the petitioner with the respondents towards occupancy charges of the subject shops. In absence of legal instrument with regard to extension of lease period; it would be hard to conclude that the lease

period for subject shops was actually extended by the respondents in favour of the petitioner. After expiry of lease period, the status of the petitioner over the subject shops was that of encroacher and encroacher could not be put back into possession of the subject shops, to run his business therein under deception of its de-sealing. No case for indulgence by this Court by way of instant petition is made out; consequently it is dismissed in *limine* together with listed applications.

Judge

Judge

ARBROH