

ORDER SHEET
THE HIGH COURT OF SINDH AT KARACHI

C.P No.D-4440 of 2024.

Date: Order with signature(s) of the Judge(s)

Fresh Case.

1. For Orders on Misc. No.19674/2024.
2. For Orders on Office Objection No.1.
3. For Orders on Misc. No.19675/2024.
4. For Orders on Misc. No.19676/2024.
5. For Hearing of Main Case.

23rd September, 2024.

Ms. Kausar Ameen advocate for the Petitioners.

1. Urgency granted.
2. Shall be complied with.
3. Exemption application is granted subject to all just exceptions.
- 4-5. Through instant petition, Petitioners have prayed that:

"a. To restrained Respondent No.1, 3 and 4 from illegally vacating the Petitioners from their legal bonafide properties and restrained them from demolishing the construction raised on the plots bearing No. 74/1 and 74/2, Sector 4-D, measuring 80 Sq. Yards each situated at Landhi Township Karachi.

b. The Respondent No.1 and 2 with ill motivated and malafide intentions have manipulated Mutation Letter of Plots bearing No.74/1 and 74/2, Sector 4-D, measuring 80 Sq. Yards each situated at Landhi Township dated 02.04.2024, in favor of Respondent No.4, is questionable and liable to withdrawn by Respondent No.1 and 2.

c. Any other relief[s] which this Honourable Court may deem fit and proper under the circumstances of the case.

d. Award cost of the petition'.

Further learned counsel for the Petitioners categorically contends that Petitioners are owner of subject matter properties; however, official Respondents have mutated such properties in favor of Respondent No.4 [Mst. Qamar un Nisa]. Since in the present petition legal character cannot be adjudicated and decided. Moreover, alternate remedy to file declaratory suit under Section 42 of Specific Relief Act is available which provides complete mechanism, hence, the Petitioners have a right to challenge any mutation, allotment in favor of Respondent No.4 by approaching civil court. Accordingly, instant petition is dismissed alongwith listed application[s].

JUDGE

JUDGE

M.Zeeshan