

# ORDER SHEET HIGH COURT OF SINDH AT KARACHI

Suit No.851 of 2024

---

Date	Order with signature of Judge(s)
------	----------------------------------

---

1. For hearing of CMA No.13405/2024.
2. For hearing of CMA No.11537/2024.
3. For hearing of CMA No.13853/2024.

**09.10.2024**

Mr. Omer Soomro, advocate for the plaintiff.  
Mr. Jam Zeeshan Ali, advocate for the defendants No.1 & 2.  
Mr. Ali Safdar Depar, Assistant Advocate General, Sindh.

Mr. Asif Ali Bangwar, Mukhtiarkar Mauripur  
(CNIC 43503-0379656-7 / Tel 0313 3833046)

This is a suit asserting rights in respect of immovable property and seeking a restraint upon encroachment and land grabbing, alleged to have been / being perpetrated by the defendants.

Notice was issued to the defendants and to the office of the learned Advocate General Sindh on 21.08.2024 and the said order also directed maintenance of status quo and restrained interference in the plaintiff's possession of the suit property. In addition thereto, inspection of the suit property was also ordered, through the Nazir of this Court, so that an independent assessment of the ground reality is on record.

Mukhtiarkar Mauripur Sub Division Kaemari Karachi is not a defendant herein, however, a report therefrom, along with annexures, dated 27.09.2024 was discovered on the Court file. The report is unsolicited, unwarranted and an apparent attempt to interfere with or obstruct or interrupt or prejudice the process of law or the due course of judicial proceedings; *prima facie* constituting contempt per section 3 of the Contempt of Court Ordinance 2003. Therefore, show cause notice was issued to the alleged contemnor vide order dated 03.10.2023, per section 17(2) of the Contempt of Court Ordinance 2003.

An explanation was also sought from the office as to how the report from a stranger to the proceedings was taken on record without permission of the Court. The office was also instructed to identify the person responsible for alleged manipulation of the Court file.

The explanation was received and Mr. Muhammad Jameel (Senior Office Associate D-II Branch) was identified as being responsible. His reply, writing as well as upon being summoned in person, was that he received the report via mail and placed it on file *per practice*. Upon being asked to identify the law, rule etc. whereby unsolicited mail could be made part of the judicial record, he merely sought to be excused. Respectfully, the conduct of the person is found to be in abject disregard of the law. The office is directed to make a separate file containing copies of the order dated 03.10.2023, mukhtiarkar report as aforesaid, explanation of the concerned person and this order and convey the same to the learned Registrar; for issuance of show cause notice, subject to the guidance of the honorable Chief Justice.

In response to the show cause notice, Mr. Asif Ali Bangwar (Mukhtiarkar Mauripur Sub Division Kaemari Karachi) is present, however, no response to the notice has been placed on record. He verbally states that he filed the report dated 27.09.2024 under a misapprehension, for which he apologizes. No written submission is on file and the apology articulated merits no exoneration presently. He remains at liberty to file a reply on or before the next date; upon which the decision to frame charge shall be taken. This fixation of date for consideration of framing of charge is in compliance of section 17(3) of the Contempt of Court Ordinance 2003.

The office is instructed to convey a copy hereof to the Senior Member Board of Revenue; to conduct an inquiry into this matter and also determine whether the officer is fit to serve in the present position. The competent authority shall also determine whether Mr. Asif Ali Bangwar should be placed under suspension, pending the inquiry. The inquiry is expected to be conducted expeditiously and a report shall be submitted before this Court on or before the next date. In the event that the inquiry is not concluded and report presented, within the stipulated time, the Senior Member Board of Revenue, Sindh shall be present in person with explanation.

To come up on 29.10.2024, when Mr. Asif Ali Bangwar will remain in attendance. Interim order passed earlier to continue till the next date.

Judge

M. Khan