

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH, CIRCUIT COURT,**  
**HYDERABAD**

C.P.No.D- 463 of 2019

<b>DATE</b>	<b>ORDER WITH SIGNATURE OF JUDGE</b>
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1. For orders on office objection.
2. For hearing of main case.

11.09.2019.

Mr. Ghulam Sarwar Baloch, Advocate for petitioner.

Mr. Allah Bachayo Soomro, Additional A.G.

Ms. Rameshan Oad, A.P.G. for the State alongwith SIP Manzoor Ali on behalf of SSP Hyderabad and SIP Muhammad Ishaque Kumbhar on behalf of SSP Crime Branch, Hyderabad.

Respondent No.8 present in person.

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Petitioner claims to be a landlord and has filed this petition for conducting a departmental inquiry and legal action against respondents No.6 to 8 for misusing their powers and harassing the petitioner at the behest of private respondents and further to provide lawful protection to him and his other family members.

On court notice, the police officials have submitted comments showing that no harassment has been caused by them to the petitioner and on the contrary it is stated that he has occupied illegally the land belonging to respondent No.8. Respondent No.8 is present submits that the land in question is his ancestral property which the petitioner who even does not belong to local area has occupied illegally through armed people. Against which he made a complaint to the police on which an enquiry was conducted in which his allegations against the petitioner have been proved.

After hearing both the parties, we are of the view that matter involves factual controversy between petitioner and private respondents in respect of some land which cannot be decided in constitutional jurisdiction. So far as allegation of harassment against

the police officials is concerned, no evidence is brought on record to substantiate the same by the petitioner. It appears that on an application of respondent No.8, an inquiry was conducted against the petitioner under the orders of SSP Crime Branch Hyderabad and a report dated 30.01.2019 has been submitted showing that petitioner has occupied illegally land of respondent No.8 and in that respect recommendation has been made to lodge FIR against him.

Needless to say that lodging of FIR against the petitioner would be based on some information provided to the police by respondent No.8 and which would be subject to the scheme provided under section 154 Cr.P.C.

This being the legal position, we find this petition meritless and accordingly dismissed it leaving the parties however at liberty to avail remedy in respect of the alleged land before proper forum in accordance with law.

JUDGE

JUDGE