

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI.
Cr. Revision Application No.116 of 2023
(Naseem Akhtar vs. Sadia Tariq & others)

21.01.2025.

Mr. Munir A. Malik, advocate for applicant
 Mr. Zafar Alam, advocate for respondent No.1
 Ms. Rubina Qadir, DPG

ORDER

MUHAMMAD IQBAL KALHORO J: Applicant, who filed a complaint u/s 3 and 4 of the Illegal Dispossession Act, 2005 before learned Additional Sessions Judge-VI, Karachi East has challenged the order dated 02.05.2023 passed by the same Court dismissing her complaint in *limine*, before issuing notice to the respondents on the ground that the applicant has not clearly stated as to when she was dispossessed and that proposed accused do not have any characteristics or antecedents of land grabber, a pre-requisite, for maintaining such complaint against the accused in terms of ratio laid down in **2010 SCMR 1254.**

2. Learned counsel for applicant has urged that ratio laid down in *ibid* case has been over ruled by a larger Bench of the Supreme Court in a case reported as **PLD 2016 SC 769.** And, in para-10 of the complaint, complainant has clearly stated the fact of her dispossession at the hands of respondents. Hence, the impugned order is not sustainable in law. His stance has been questioned by the learned counsel for the complainant and learned DPG, who have supported the impugned order.

3. Be that as it may, a perusal of the impugned order shows that learned trial Court has not considered contents of para-10 of the direct complaint, nor has discussed police reports called in during pendency of preliminary enquiry to form an opinion. The observations that proposed accused do not have any characteristics or antecedents of land grabber, and hence, direct complaint is not maintainable against them is not spot on either as the Supreme Court in the *supra* case has held that applicability of Illegal Dispossession Act, 2005 cannot be restricted to professional land grabbers or members of mafia, and indeed spans over individual act of a person dispossessing the complainant. In the circumstances, the impugned order is set aside and the matter is remanded to the same Court with direction to rehear applicant and after considering the entire material brought on record during a preliminary enquiry, passed an order afresh in accordance with law.

The Cr. Revision Application stands disposed of along with pending applications in above terms.

J U D G E