

ORDER SHEET  
**IN THE HIGH COURT OF SINDH AT KARACHI**  
**Constitution Petition No.S-209 of 2025**  
(Saifullah Jamali v Province of Sindh & others)

Date	Order with signature of Judge
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**Date of hearing and order: 07.04.2025**

Mr. Ahsan Ali Siyal advocate for the petitioner  
Mr. Ghulam Shabbir Babar advocate.  
Mr. Ali Safdar Depar AAG  
Mr. Qamaruddin Nohri, DPG, along with SHO Muhammad Younus, SIP  
Wali Muhammad Shar, and SIP Tariq Jatt of PS Bin Qasim, Karachi  
Respondent No.7 present in person.  
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**ORDER**

**Adnan-ul-Karim Memon, J :** The grievance of the petitioner is that he paid entire sale consideration amount and recived the possession of subject property/ plot No. R-361, measuring 16 Sq. yards, situated at Data Nagar, Bin Qasim, Malir Karachi and started to construct over the said property but the private respondents trying to blackmail, harass, and illegally and unlawfully trying to disposes him by way of misusing the powers of the official respondent No.5, further the petitioner many time visited the police station for lodgment of FIR, against the private responents but respondent No.5 continuously threatening to the petitioner and his family for lodgment of false and bogus FIRs against him, the acts of private respondents as well as official respondent No.5, are illegal and unlawful in the eyes of law.

2. Learned counsel for the petitioner has submitted that the private respondents kept evil eyes over the property in question and they all with the collusion of their Gunda elements visiting the property in question and trying to forcibly disposes the petititoner from his lawful possession of the property in question. However, in the present case, police officials transgressed their power and authority and caused unnecessary harassment to the petitioner and his security guards without rhyme or reason. He prayed for direction to the competent authority to take action against the police officials as well as private respondents under the law in terms of the prayer clauses.

3. Learned Assistant A.G. assisted by the police officials present in Court submits that there is FIR No. 386 of 2023 of PS Bin Qasim has been challaned on 13.01.2024. They further submit that the owner of the above plot is cousin of SIP Tariq Mehmood and there is private dispute between the petitioner and respondent No.7 complainant of FIR; that petitioner filed Civil Suit No. 02 of 2024 which plaint was rejected under order 7

rule 11 CPC on 16.10.2024 by the learned Civil/Consumer Judge Malir Karachi. He further submitted that the learned Additional Sessions Judge III/ Ex. Officio Justice of Peace Malir Karachi disposed of application of the petitioner vide order dated 28.03.2024 on the premise that petitioner lacks a prima facie legal right to the property in question which is occupied by the private respondent No.7 Altaf Hussain, however he agreed that no harassment shall be caused to the either party and the police shall be neutral in their private affairs however if any party commits a cognizable offence the police shall act swiftly. His statement is tenable, and this petition is liable to be disposed of in terms of the statement of learned AAG; As far as police harassment issues are concerned, the DIGP Malir has to see the matter at his end; and, ensure that he will provide swift justice to the parties, without discrimination. However, it is made clear this Court will not travel into civil/criminal dispute if any pending before the competent Court of law and confined to the extent of the issue of harassment only and the property issue shall be taken care of by the competent court of law if the parties succeed to obtain decree in their favor and police shall ensure no law and order situation creates at the spot.

4. After arguing the matter at some length, both parties have agreed to the disposal of the instant petition on the premise that the DIGP Malir will hear the petitioner as well as private respondents and will take care of all the aspects of the case and ensure that no harassment shall be caused to both the parties. The proposal seems to be reasonable and acceded to. In the meantime police shall remain neutral in the private dispute between the parties, however, if any of the individuals is indulged in criminal activity the police shall take prompt action against them under law.

5. The instant petition is disposed of in the above terms.

J U D G E

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