

ORDER SHEET  
IN THE HIGH COURT OF SINDH CIRCUIT COURT LARKANA  
Const. Petition No. S- 186 of 2019

DATE	ORDER WITH SIGNATURE OF JUDGE
------	-------------------------------

Hearing /Case

- 1.For orders on office objection 'A'  
2.For Hearing of Main case

19.08.2019

Mr. Ghulam Akbar Soomro, Advocate for the petitioner.  
Mr. Liaqat Ali Shar, Addl. A.G for the State.  
Mr. Abdul Rehman Bhutto, Advocate for Respondent No.5.

-----

Through this petition, the petitioner seeks following relief(s):-

- (a) That this Honourable Court would be pleased to call in person the respondents No.1 to 6 and restrain them from causing harassment to the petitioner and his family.
- (b) That this Honourable Court would be pleased to direct the respondent No.2 to provide shelter and protection under the law which is his prime duty in order to redress the grievance of the petitioner.
- (c) To call the respondent No.7 with record, whether there is encroachment of Respondent No.5 built the Gudam and Respondent No.6 built the Otaq in the way in village.
- (d) To direct the respondent No.1 to 4 to remove the encroachment as remove the petitioner encroachment.
- (e) To direct the respondent No.1 to 4 not to register false FIR against the petitioner and his family members, relatives and his well wishes without due course of law at the instance of respondent No.5 & 6.
- (f) That this Honourable Court be pleased to award shelter and peace or to pass any order as deems fit and proper.
- (g) To give any other equitable relief looking to the circumstances of the case."

From perusal of record it appears that office has raised objection with regard to the maintainability of this petition in view of judgment dated 30.05.2018 passed in C.P. No. D- 2149/2015. Further, learned counsel for the petitioner admitted the position that in respect of subject controversy the petitioner has already filed civil suit which is pending adjudication. Even otherwise, from perusal of counter affidavit filed on behalf of the respondent



No.5 it also appears that the subject dispute is with regard to removal of encroachment from the government property/public thoroughfare and as such the matter involving factual controversy, necessitating enquiry into the case and evidence for resolution thereof in appropriate proceedings before the Court of competent jurisdiction, which exercise cannot be gone into the constitutional jurisdiction under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973. In the circumstances, this petition is dismissed being not maintainable.

  
Judge

Abul H. Qazi/\*\*