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IN THE SUPREME COURT OF PAKISTAN
(Original Jurisdiction)

Crl. Org. Petition No. _____/2020

IN

H.R.C. NO. 39438-S / 2018

Bashir Ahmed sons of Sikandar Khan, Caste Umrani, Resident
of Manjhoti Dera Murad Jamali.

.....Petitioners

VERSUS

1. Ghazanfar Qadri, Deputy Commissioner, Jacobabad, DC Office, Jacobabad, Tehsil & District Jacobabad, Sindh.
2. Zafar Baloch, Deputy Commissioner, Naseer Abad, DC Office, Naseer Abad, Tehsil & District Naseer Abad, Balochistan.
3. Agha Sher Zaman Pathan, Deputy Commissioner, Jaffarabad, DC Office, Jaffarabad, Tehsil & District Jaffarabad, Balochistan.
4. Muhammad Younas Sanjrani, Deputy Commission, Sohbat Pur, DC Office, Sohbat Pur, Tehsil & District Sohbat Pur, Balochistan.
5. Nayyab Umrani D/o Sikandar Umrani (late), R/o Flat No. 620, Al-Mustafa Tower, Sector F-10, Islamabad, Cell No. 0336-3037777.
6. Mr. Anayetulalh Barech Judicial Magistrate / MFC Dera Murad Jamali.

.....Respondents/Contemnors

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CRIMINAL ORIGINAL PETITION UNDER ARTICLE
204 OF THE CONSTITUTION OF PAKISTAN,
1973 READ WITH SECTIONS 3 & 4 OF THE
CONTEMPT OF COURT ORDINANCE 2003

Respectfully Sheweth:-

1. That vide order dated 09.11.2018, this august Court directed as under;-

“As far as the properties in which the petitioner has a share, it has been pointed out that some of the properties are clear and the same have been subdivided and the share coming to the petitioner has been determined. There is a property situated in Deh Abdullah Dakhan Tapo Baqapur Taluka & District Jacobabad in which the petitioner has a share measuring approximately 3-1/4 acres. The learned counsel appearing on behalf of the petitioner and the petitioner herself submit that in view of her share, it is not possible for the petitioner to take possession of the property or to administer the same. It would, therefore, be appropriate if the property is disposed of and its proceeds are given to the petitioner. It is suggested that Ms. Sofia, Advocate Practicing at Jacobabad may be appointed as a Local Commission to facilitate sale of the said property of the petitioner. The Deputy Commissioner,

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Jacobabad submits that he will arrange for partition of the property and demarcation of belongings to the petitioner.

In this view of the matter, the aforesaid Advocate is appointed as a Local Commission. Her recommendations shall be determined at a subsequent stage. She will make efforts to sell the property of the petitioner. However, before any such sale takes place, she shall apprise this Court through a report about the price and other terms and conditions on which the property has been offered for sale. These shall be subject to approval by this Court.

We have been informed that here is another plot measuring 3000 ft situated at Dangar Mohallah Jacobabad in which the petitioner has a share. The same is presently leased to Ufone for installation of a Tower against which rent is received. The Deputy Commissioner Jacobabad is directed to ensure that proceeds of the rent are equitably divided amongst the claimants and the share of the petitioner is paid to her regularly through a cross-cheque issued in her name.

We have further been informed that there are three other properties in which the petitioner has a share. The DC Jacobabad has informed us that on account of fire during the riots after the assassination of Mohtarma Benazir Bhutto all

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record has been burnt and none of the legal heirs who claim entitlement to such properties has any record. The process of reconstruction of the record has been started and notices in the newspaper have been issued. Let efforts be made for reconstruction of the record of the residential house of the petitioner Dangar Mohallah Jacobabad bearing Survey No. 2/630 which is in possession of the petitioner as well as other properties in which she has a share. As soon as the record has been reconstructed, efforts would be made for sale of the property by adopting a suitable mode.

As far as three shops and a house built thereon situated at Family Lane Jacobabad is concerned, the petitioner submits that the same is in possession of her brother-in-law and children of her late sister who are getting the benefit of rent which is received against the said properties.

As regard the shop situated opposite Al-Habib Hotel Jacobabad, according to the report submitted by DC Jacobabad, Haji Anwar S/o Sikandar Khan Umrani who is the step brother of the petitioner is collecting rent from Muhammad Irfan who is in possession of the said shop.

In view of the fact that there are no record relating to ownership of the property, the dispute cannot be resolved

unless the record is reconstructed. The DC Jacobabad is directed to make all possible efforts to reconstruct the record to determine real title of the parties. He is authorized to place a transaction ban on the afore-noted properties so that these are not disposed of while the petition is pending before this Hon'ble Court."

2. That despite clear direction of this august Court the matter has not been finally determined / settled by the Respondents No. 1 to 3, despite lapse of considerable time. The respondent No. 5 has also filed Criminal Org. Petition No. 12/2020, in this regard Albiat wrongly alleging connivance of the petitioners.

3. That the respondent No. 5 has entered into agreement to sell, received huge amount and transferred the possession of some of the properties in violation of the aforesaid order of this august Court. The respondent No. 5 has neither obtained approval from this Hon'ble Court; nor got the transaction registered, which is banned by this august Court, but has parted with the property without proper partition / demarcation.

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4. That on the other hand, the Respondent No. 6 has passed order dated 05.05.2020, under Section 145 Cr. P.C and attached grownup crops on land owned by the petitioners without determining as to whether the respondent No. 4 has any share therein. The said action and order is in utter disregard and violation of this august Court's direction contained in order dated 09.11.2018.

5. That similarly respondent No. 4 purportedly acting in compliance of the order dated 09.11.2018, he has also passed order dated 04.05.2020, regarding cutting of the crops and given to respondent No. 5.

6. That it is well settled, that the direction of this august Court is binding on the respondents and all and sundry as mandated by Article 190 and violation thereof is punishable under Article 204 of the Constitution of Islamic Republic of Pakistan, 1973 read with Section 3 & 4 of the Contempt of Court Ordinance, 2003.

7. That the Respondents have completely disregarded and violated the aforesaid direction of this Hon'ble Court. Thus, the Respondents have committed willful contempt of the

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Supreme Court of Pakistan and are liable to be punished in
accordance with law.

P R A Y E R

In view of the above-mentioned facts it is respectfully prayed
that this Hon'ble Court may kindly be pleased to issue notice
to the Contemners above-named and punish them for the
willful disrespect and violation stated above and the
contempt of this August Court, in accordance with law.

DRAWN BY

FILED BY

Raja Inaam Amin Minhas
Advocate
Supreme Court of Pakistan

Tariq Aziz
Advocate-on-Record
Supreme Court of Pakistan
Islamabad

CERTIFICATE:

It is, certified as per instructions; this is the 1st CrI. Org. Petition, on
the subject matter filed by Petitioner, before this Hon'ble Court.

Advocate-on-Record