

ORDER SHEET.
IN THE ISLAMABAD HIGH COURT, ISLAMABAD.
JUDICIAL DEPARTMENT.

Writ Petition No.1907/2018

Mumraiz Khan etc

Versus

Learned Additional Sessions Judge, Islamabad, etc

S. No. of order/ proceedings	Date of order/ Proceedings	Order with signature of Judge and that of parties or counsel where necessary.
	05.3.2020.	Rao Abdur Rahim, Advocate for Petitioners. Mr.Sadaqat Ali Jehangir, State Counsel. Mr.Zulfiqar ASI, PS Sihala, Islamabad.

Through this writ petition, the Petitioners have assailed orders dated 02.10.2017 & 27.3.2018 passed by Sub-Divisional Magistrate, Islamabad and Additional Sessions Judge, Islamabad respectively whereby possession of disputed plots No.30, 31, 32 & 33, Usman Block, Street No.9, Phase-I, Jeddah Town, Islamabad has been handed over to Hina Latif and Khalid Latif.

2. Learned counsel for the Petitioners contends that in the earlier round of proceedings, plots were sealed under section 145 Cr.P.C vide order dated 18.04.2017 and before Appellate forum position remained the same, however, in second round, upon application filed by Hina Latif, Sub-Divisional Magistrate, Islamabad de-sealed the premises and possession of same was handed over to respondents No.3 & 4 without considering police report as well as allotment record in favour of Petitioners. Learned counsel further contends that Petitioner No.2 is General attorney of owners of all disputed plots but learned Courts below have not considered the record in its true perspective and passed the orders in mechanical manner. It has further been contended that subsequent de-sealing order by the same Court is illegal mainly on the ground that power of review is not available with the Criminal Court to review its own order.

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3. During the course of arguments on the last date of hearing it has been argued by the respondent side that different civil suits are pending between the parties qua the entitlement and possession of the disputed plots and have already been adjudicated vide judgment dated 13.10.2017 passed by the learned Civil Court which has been assailed by one Hina Khalid through R.F.A.No.300, 301 & 302 of 2019 which have been entertained by the Honourable Bench of this Court and status quo order has been passed on 01.11.2019 which is still in field.

4. Keeping in view the above position reflected from the record, this Court does not consider appropriate to enter into the question of de-sealing at this stage when Division Bench of this Court has passed the status quo order.

5. In view of above, instant writ petition stands ***disposed of*** with direction to the parties concerned to approach the Honourable Division Bench of this Court for settlement of their rights qua de-sealing and possession of the disputed plots.

(MOHSIN AKHTAR KAYANI)
JUDGE

M.S.Zaki.