

ORDER SHEET
IN THE ISLAMABAD HIGH COURT, ISLAMABAD
JUDICIAL DEPARTMENT

W.P. No.3548 of 2019

Ali Imran

Versus

Civilian Employees Cooperative Housing Society and others

S. No. of order / proceedings	Date of order/ Proceedings	Order with signature of Judge and that of parties or counsel where necessary.
	16.10.2019	Mr. Muhammad Yasir Raja, Advocate for the petitioner.

Through the instant writ petition, the petitioner, Ali Imran, seeks a direction to respondent No.1 to demolish the construction raised by respondents No.2 and 3 on land in excess of the size of their plot i.e., 30 x 50 feet.

2. The petitioner has, on 31.10.2018, filed a suit for declaration, permanent and mandatory injunction against respondents No.1 and 3 before the learned Civil Court praying for *inter alia* a declaration that the petitioner is the owner of Plot No.9, Street No.1, Block H, measuring 30 x 50 feet, C.E.C.H.S., Islamabad, and an injunction to restrain the construction on the excess area in the adjoining plot.

3. Earlier, on 29.09.2018, the petitioner had filed a suit for declaration, permanent and mandatory injunction against respondents No.1 and 2 before the learned Civil Court praying for *inter alia* an injunction to restrain the defendants in the said suit from interfering in the peaceful possession of the plaintiff over his plot. The petitioner had also sought an injunction against the defendants in the said case regarding construction on the encroached area of the petitioner's plot.

4. Since the above mentioned suits are still pending, the instant petition on the same subject

matter is not maintainable. Therefore the instant petition is dismissed as not maintainable.

(MIANGUL HASSAN AURANGZEB)
JUDGE

Ahtesham*