

Illegal Dispossession Act 2005

Shahid Ali Khan vs. Ali Ashraf alias Wilayat Chandio Citation: 2022 YLRN 65 KARACHI-HIGH-COURT-SINDH:

The appellant claimed illegal dispossession from agricultural land. The Court found that the appellant failed to provide sufficient evidence and that the dispute was still pending in civil court. The appeal against acquittal was dismissed as the appellant couldn't prove the case beyond reasonable doubt.

Muhammad Azeem vs. State Citation: 2023 MLD 823 Karachi High Court Sindh:

The Trial Court failed to assess whether the criteria for illegal dispossession under Section 3 of the Illegal Dispossession Act, 2005, were met. Instead, it delved into questions of property title that were pending in civil court. The High Court set aside the conviction, reasoning that the Trial Court should have focused on prima facie evidence of illegal dispossession.

Imam Bux vs. Ali Muhammad Citation: 2023 YLRN 44 Karachi High Court Sindh:

The Trial Court exceeded its jurisdiction by issuing a direction to a Mukhtiarkar for demarcation while acquitting the accused. The complainant's evidence failed to prove dispossession, and the Trial Court's direction was against the principles of a fair trial. The High Court set aside the direction.

Khair Muhammad vs. Ali Sher Citation: 2022 PCrLJ 1603 KARACHI-HIGH-COURT-SINDH:

The case dealt with an order granting interim relief to the complainant under section 7 of the Illegal Dispossession Act. The Court found that the Trial Court didn't follow the necessary conditions before passing the order. The order was set aside, and the matter was remanded for a fresh decision.

Noorullah vs. Muhammad Farrukh Citation: 2023 YLRN 9 Karachi High Court Sindh:

The accused were found to be unlawfully occupying the property, and the Trial Court's decision to allow the complainant's application under Section 7 of the Illegal Dispossession Act was upheld. The High Court clarified that filing a complaint under the Illegal Dispossession Act was not barred during civil litigation. The evidence supported the finding of illegal possession, and the revision application was dismissed.

Salman Baloch vs. Shahzain Citation: 2023 YLRN 7 Karachi High Court Sindh:

The complainant's evidence of illegal dispossession lacked corroboration and was unreliable due to an ongoing feud between the parties. The acquittal judgment was based on proper reasoning, and the appeal was dismissed.

Syed Zanon Mian vs. Mst. Misslunisa Citation: 2022 YLR 2252 Peshawar High Court:

The Trial Court acquitted the accused but ordered restoration of possession to the complainant, which was legally incorrect. The conviction was a prerequisite for the restoration of property. The case was remanded for an appropriate judgment.

Habib Ullah vs. Chaman Citation: 2022 PCrLJ 1730 PESHAWAR-HIGH-COURT:

Petitioners challenged the restoration of possession to respondents by the Trial Court in a criminal matter. They claimed that the act of dispossession was legal. The Court held that a mere pending civil litigation does not affect criminal proceedings under the Act. The complainant proved illegal dispossession with evidence. The petition was dismissed as the Trial Court rightly ordered restoration of possession.

Moran Khan vs. Ali Nawaz Citation: 2023 YLR 173 Karachi High Court Sindh:

The complainant failed to file a special leave to appeal within 60 days of a judgment's acquittal, as required by Section 417 of the Cr.P.C. An appeal against the acquittal under Section 3(2) of the Illegal Dispossession Act was thus not maintainable. Even if allowed, it would have been time-barred. The acquittal appeal was dismissed.

Malik Muhammad Ejaz Channar vs. State Citation: 2022 PLD 427 LAHORE-HIGH-COURT-LAHORE:

The case involved the withdrawal of a complaint under the Illegal Dispossession Act. The Court concluded that the provisions of the Act don't specify the application of certain Cr.P.C. chapters, making Section 248 Cr.P.C. available to the court. The withdrawal of the complaint was allowed under S. 248 Cr.P.C.

Shabana Khan vs. Major (Retd.) Jehanzeb Aslam Citation: 2022 MLD 1109 KARACHI-HIGH-COURT-SINDH:

The case involved an application under S. 265-K Cr.P.C. for pre-mature acquittal. The Court clarified that S. 265-K is not applicable to cases registered upon complaint under the Act. The revision application was dismissed, and the complaint couldn't be summarily dismissed.

Adeel Zahoor Malik vs. Abdul Sattar Shaikh Citation: 2023 YLR 187 Karachi High Court Sindh:

The petitioners challenged the dismissal of their complaint under Section 3 of the Illegal Dispossession Act, 2005, claiming that they were dispossessed from a property by the Official Assignee as per a court order. The High Court held that the action of repossession was lawful, and no offence under the Act was established. The possession was taken in line with a civil suit judgment, leading to the rightful dismissal of the complaint. Revision application was dismissed.

Mst. Khursheed Begum vs. Syed Mahmood Shah Citation: 2023 YLRN 63 Karachi High Court Sindh:

The complainant's case was weakened by inconsistencies regarding the property's purchase agreement and lack of supporting documents. Witnesses were not examined to prove the facts. The sale agreement did not establish ownership. As a result, the appeal against acquittal was dismissed.