

ORDER SHEET
IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

C.P No. D-1547 of 2021

Date	Order with signature of Judge
1.	For orders on office objections
2.	For hearing of CMA No.2304/2023
3.	For hearing of main case.

23.08.2023

Qaisar Mirbahar, petitioner in person
Mr. Ahmed Ali Shahani, AAG

ARBAB ALI HAKRO, J: Through this constitution petition, Petitioner seeks direction to Respondents No. 2 to 4 for transferring the *khata* of agricultural land bearing Survey Nos. 156, 155, 154 (total 13 acres) having Entry No.1994, situated at Deh Daryago, Tapo Adilpur, Taluka and District Ghotki and keeping the entry in the revenue record in his name.

2. This Court has passed order dated 24.01.2023, which is reproduced as under:-

“Assistant Commissioner, Taluka Ghotki shall examine the record of Survey No.154, 155 & 156 situated in deh Daryago, Tapo Adilpur Taluka and District Ghotki and shall also hear the petitioner, in case such land belongs to his ancestors mutation shall be affected in view of Land Revenue Act, 1967 with compliance within one month’s time”.

3. Pursuant to said order, the Assistant Commissioner, Taluka Ghotki, submitted compliance report dated 07.06.2023 along with detailed order dated 22.02.2023, whereby application of petitioner was rejected on the ground that complicated questions of law and facts do not fall within the competence of Revenue Officer, and it is exclusive jurisdiction of Civil Court.

4. We have noted that question regarding factual controversy involved in the mutation of revenue entries which were subsequently mutated to some private persons confers the jurisdiction of Civil Court in terms of Section 53 of Land

Revenue Act, 1967 and Section 9 of Civil Procedure Code. We have also confronted such situation to the petitioner in person.

5. In view of such situation, this petition is not maintainable and such factual controversy can only be resolved through evidence. Consequently, this petition is dismissed, leaving the petitioner to avail efficacious and adequate remedy available to him under the law for redressal of his grievance, if so desired.