

ORDER SHEET
IN THE HIGH COURT OF SINDH BENCH AT SUKKUR
C.P No. S- 121 of 2025

Date of hearing	Order with signature of Judge
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- 1. For orders on office objections.
- 2. For hearing of main case.

23.06.2025.

Mr. Abdul Sattar Mahesar, Advocate for petitioner.

Mr. Shehriyar Imdad Awan AAG along with SIP Ghulam Asghar on behalf of S.S.P Khairpur, SIP/SHO Talib Junejo now posted at PS Bozdar Wada and SIP Allah Wadhayo of Police Station Tando Masti Khan, District Khairpur.

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Learned AAG has filed comments on behalf of the official respondents, which are hereby taken on record.

Learned counsel for the petitioner submits that two previous constitutional petitions, instituted by the respondents’ side, have already been dismissed by this Court with directions to avail proper remedy in accordance with law. In this context, learned counsel has placed on record certified true copies of the aforementioned orders along with his statement dated 16.06.2025.

He further contends that the land forming the subject matter of the present dispute is situated within the territorial limits of Taluka Gambat. However, respondent No.6, SIP Talib Junejo/Station House Officer of Police Station Tando Masti Khan, Taluka Kingri, District Khairpur has, in contravention of his territorial jurisdiction, addressed a letter to the Mukhtiarkar (Revenue) Gambat seeking the record of the said land. The learned counsel asserts that despite the land not falling within his lawful jurisdiction, respondent No.6 has intruded into this civil dispute, thereby acting in excess of his legal mandate. Upon enquiry from this Court, respondent No.6, who is in attendance, sought to justify the issuance of the letter dated 21.05.2025 to the Mukhtiarkar of Taluka Gambat by claiming it was issued with the objective of resolving the dispute. Such conduct on the part of respondent No.6 is deeply questionable and manifestly ultra vires his lawful authority.

It is an admitted position on record that the subject land does not lie within the jurisdiction of Police Station Tando Masti Khan. Accordingly, the S.S.P Khairpur is directed to examine the conduct of respondent No.6 and initiate appropriate departmental proceedings against him, should they be warranted.

Respondent No.7, Khadim Hussain Khokhar, appears in person and asserts that the land in question belongs to him and that the petitioner has allegedly encroached upon it. This Court refrains from adjudicating the question of ownership, which is a matter best left to the competent civil forum. The parties shall remain at liberty to pursue their respective remedies in accordance with law before the appropriate Court of civil jurisdiction.

Learned AAG affirms that official respondents shall act strictly in accordance with law and shall extend protection to the petitioner as and when required, without subjecting him to any form of harassment.

In view of the above, the petition stands disposed of with directions to the official respondents to act strictly in accordance with the law and provide protection to the petitioner as and when required. With specific reference to any subsisting civil dispute between the parties, it is clarified that they may approach the competent forum for redressal in accordance with law. The office is directed to communicate a copy of this order to the learned AAG and to the concerned S.S.P for immediate compliance.

The petition is disposed of in the foregoing terms.

J U D G E

Irfan/PS

