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ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA.
Cr. Misc. A No. S-42 of 2021.

Date	Order with signature of Hon'ble Judge
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1. For orders on office objection as flag A.
2. For hearing of main case.

05.4.2021.

Mr. Sanaullah Gilal, advocate for the applicants.

Mr. Aitbar Ali Bullo, DPG.

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Through this application an order dated 27.4.2021 passed by learned 2nd Additional Sessions Judge, Kamber has been impugned by Hakim Ali Chandio and others. In terms of the impugned order learned trial Court has allowed application under Section 7 of the Illegal Dispossession Act primarily on the ground that the Illegal Dispossession Act 2005 applies to land grabbers and land mafia and that this enactment is with the object to protect lawful owners from these two categories of people.

I have heard learned counsel for the applicants and respondents as well as learned D.P.G for the State. My observations are as follows:

It appears that the learned trial Judge was not assisted properly and the judgment of the honourable Supreme Court in Shaikh Muhammad Naseem v. mst.Farida gul (2016 SCMR 1931) was not brought to its notice. As the learned counsel for the applicants has argued that the honourable Supreme Court prior to 2016 had observed that this law applies only to land *mafia* and *kabza* mafia group however, the situation changed after the aforementioned judgment wherein a 5

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Member Bench of the Hon'ble Supreme Court held that this law would apply to any person and was not restricted to land mafia and kabza group. Mr. Aitbar Ali Bullo, learned D.P.G also confirms the same.

In view of the above, it would be proper if the impugned order is set aside and the matter is remanded back to the learned trial Court to hear the parties afresh and keep in mind the judgment of the Honourable Supreme Court in the matter as well as the inquiry reports submitted by the SHO/Mukhtiarkar. Learned trial Court shall decide this case independently without being effected by this remand back order as the only purpose for remand back is so that the learned trial Court can be assisted properly.

 5/4/21
JUDGE

shabir