

HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

CP No. D- 1791 of 2023

[Darya Khan vs. Province of Sindh & others]

BEFORE:

JUSTICE ADNAN-UL-KARIM MEMON
JUSTICE RIAZAT ALI SAHAR

Petitioner: Through Mr. Mumtaz Alam Leghari, Advocate

Respondent-9: Through Mr. Kashif Hussain, Advocate

Mr. Rafiq Ahmed Dahri, Asstt: A.G., along with Shah
Murad Tunio, Mukhtiarkar Kazi Ahmed

Date of hearing:

& Decision:

27.11.2025

ORDER

ADNAN-UL-KARIM MEMON, J:- The petitioner, through this Constitutional Petition, seeks orders directing Respondent No.9 to vacate government land in village Baki Zardari, reserved for Aasaish, and for official respondents to remove the encroachment.

2. The petitioner counsel contends that the land from U.A. Nos. 01 & 02, Deh Saeed Kado, Taluka Kazi Ahmed, District Shaheed Benazirabad, was reserved for village Aasaish, however, that was leased out mistakenly in favour of respondent No.9 for five years; that after expiry the lease was not extended; that he filed three appeals, which were disposed of on 12.1.1985, confirming the land should be reserved for Aasaish if the same falls within 20 chains of the established villages; that same order attained finality, but Respondent No.9 failed to vacate; that he approached the Mukhtiarkar and other authorities for eviction, however, the Revenue officials scheduled a joint demarcation, but Respondent No.9 refused and threatened the officials as reported by the Police; that earlier CP No. D-105 of 2023 was disposed of on 3.10.2023, directing the petitioner to approach the appropriate forum. Subsequently, the petitioner approached the Anti-Encroachment Tribunal, which returned the suit for lack of jurisdiction, leading to the present petition.

3. The Deputy Commissioner, Shaheed Benazirabad, reported that 12 acres from U.A. No.01 were granted to Ramzan S/O Abdul Rahim Rahu for permanent tenure while other portions within 20 chains of villages Baki Zardari and Darya Khan Rahu are under the possession of Ali Gohar S/O Ramzan Rahu and Zardari community members, with some land vacant but cultivated seasonally. Mukhtiarkar Estate also confirmed that out of 169.26 acres in U.A. No.1, 115.01 acres have been

allotted, leaving 54.25 acres as balance land. U.A. No.2 contains 6.27 acres of Na-Kabuli state land. SSP Shaheed Benazirabad stated that the dispute over government Aasaish land in Deh Saeed Kando is civil in nature and falls exclusively under the Revenue Department jurisdiction.

4. We have heard learned counsel for the parties present in Court and perused the available record, including the reports submitted by the Deputy Commissioner, Mukhtiarkar concerned, and the comments filed by the SSP, Shaheed Benazirabad.

5. The record reflects that the land in question is reserved for Aasaish of village Baki Zardari and falling within 20 chains of the established village was never lawfully available for occupation after expiry of the temporary lease granted to Respondent No.9. The appellate order dated 12.01.1985, having attained finality, required vacation of the land; however, Respondent No.9 not only failed to vacate but also obstructed the lawful demarcation process. The reports of the revenue authorities further confirm that portions of government land, including Aasaish land, are under illegal possession of private individuals. Such acts amount to clear encroachment upon state property, warranting immediate remedial action.

6. In view of the above, the Deputy Commissioner, Assistant Commissioner concerned, and the Mukhtiarkar of the area are directed to forthwith initiate an anti-encroachment drive and ensure that the Aasaish land and all government land in U.A. Nos. 01 & 02 are vacated from all encroachers by all lawful means, without fail. The encroachers shall also be left to face appropriate criminal proceedings in accordance with law.

7. This petition stands disposed of with the above directions. Let a copy of this order be communicated to all concerned for strict compliance. The entire exercise shall be completed within three months from the date of communication of this order.

JUDGE

JUDGE