

Order Sheet

HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

CP No. D- 1569 of 2021

[Dr. Mubeen Ahmed Memon v. Director Settlement Survey & Land Record & others]

Before :

Mr. Justice Adnan-ul-Karim Memon

Mr. Justice Riazat Ali Sahar

Petitioner : Through Mr. Imdad Ali R. Unar, Advocate

Mr. Rafiq Ahmed Dahri, Asstt: A.G., along with Israr Ahmed
Mahesar, Litigation Incharge Director, Settlement Survey &
Land Record Sindh Hyderabad.

Date of Hearing
& Decision: 09.12.2025

ORDER

ADNAN-UL-KARIM MEMON, J.- Through the listed Constitutional
Petitions, the Petitioner has prayed as under:-

- i. Issue writ direct the respondents 1, 3, 4, 5 to carry out the demarcation with meant and bonds of land revenue survey No.28 area 3-36 acres and 721 area 12-20 acres with police assistance as per annexure-D viz challan, 7.7.2021 letter, 13th July 2021 letter of Director Settlement Survey, by further directions to respondent No. 6, 7 8 to make sure that there should not be any law and order situation by securing the revenue staff, and petitioners representatives and further if found any encroachers register the FIR against them.
- iv. Costs of the Petition be saddled upon the respondents

2. The case of the Petitioner is that he has been residing in the United States since 1988 and is exclusive owner of ancestral properties, specifically Revenue Survey No. 28, covering an area of 3-36 acres, and Revenue Survey No.721, measuring 12-20 acres. However, it is alleged that his land has been repeatedly encroached upon. The Petitioner submitted a request to the Senior Member of Board of Revenue for survey and demarcation of the land. This request was subsequently forwarded to the Director of Settlement Survey and the Mukhtiarkar. A challan for the survey was also issued and duly paid by the Petitioner; as such notices were issued to all khatedars (landowners) of the adjoining area. However, it is claimed that one Zulfiqar Ali Khaskheli attempted to obstruct the demarcation process to occupy the land of the petitioner. Although he later stated before the SDPO Nooriabad that he did not threaten the survey team, he simply raised objections to the demarcation of the subject land. Despite repeated attempts by the revenue officials to carry out the demarcation, the individuals continued to interfere,

and the police failed to provide necessary cooperation to the revenue officers. In view of the above, the Petitioner has filed the instant Petition for demarcation of his land as per law.

3. Learned AAG submitted that civil litigation in F.C. Suit No. 08 of 2023 was pending. In the written statement filed on 17.09.2023, it was submitted that, according to records on VF VII-A 1985-86 dated 14.04.2016, Khet Nos. 28 (3-36), 240 (0-32), 775 (12-33), and 721 (12-20), totaling 30-01 acres in Deh & Tapo Desvi, Taluka Thanu Bula Khan, are recorded in the name of Agricultural Development Bank Kotri. The petitioner, Dr. Mubeen Ahmed had obtained a loan of Rs. 62,400/- and, following the demise of Khalifa Kamil and other heirs, the land was granted to him on “bakhshish” basis with a passbook issued on 24.02.1988. The petitioner had also produced 30-year lease dated 11.07.1993-94; however, these leases were subsequently cancelled by the Revenue Department Government of Sindh, and it was for the petitioner to prove their validity. The land is un-surveyed, with no demarcation, and Khet No. 724 (12-20) is recorded in the name of Wali Muhammad, while entry No.294 is recorded in the name of Zarai Taraqiati Bank Kotri. The petitioner had not approached authorities to release the mortgaged land. The suit was disposed of vide order dated 30.09.2024 on the petitioner’s application for withdrawal with liberty to file a fresh suit. The Court allowed the withdrawal, dismissing the suit as withdrawn, with no order as to costs.

4. In compliance with this Court’s order dated 19-12-2024, Mukhtiarkar submitted that according to entry No. 07 dated 13-02-1988 of VF VII-B, Deh Desvi, Taluka Thanu Bula Khan, produced by the petitioner, the suit land, comprising Khet Nos. 28 (03-36), 240 (0-32), 775 (12-33), and 721 (12-20), totaling 30-01 acres, was recorded in favor of the co-sharers-Muhammad Jameel, Dr. Mubeen Ahmed, Dr. Saisul Malooq, Mst. Asiyat, Mst. Rokaya, and Mst. Kalsoom, all sons and daughters of Muhammad Kamil, based on Foti Khata Badal from entries No. 294 and 301 of VF VII-A 1985-86. As per entry No. 08 dated 13-02-1988 of VF VII-B, also produced by the petitioner, the co-sharers orally gifted the entire land to Dr. Mubeen Ahmed. The petitioner stated in his plaint that he obtained a passbook on 24-02-1988 and had taken loan from the Agricultural Development Bank Kotri in respect of the said land. He added that the revenue records of 23 Dehs in this Taluka, including the entries relating to the suit land, were destroyed during the riots following the martyrdom of Mohtarma Benazir Bhutto on 27-12-2007. These records were subsequently reconstructed based on microfilmed records maintained by the Board of Revenue, Sindh, in compliance with the Supreme Court of Pakistan’s order dated 13-01-2016 in CrI. M.A. 7-K & 8-K and HRC 3193-P/2009. During this reconstruction, the entry of suit land was recorded in the relevant record of rights under entry No. 294 of VF VII-A dated 14-04-2016, covering Khet Nos. 28 (3-36), 240 (0-32), 775 (12-33), and 721 (12-20), totaling 30-01 acres, in favor of Agricultural Development Bank Kotri. This entry indicates that before

reconstruction, Dr. Mubeen Ahmed had mortgaged his entire land with Agricultural Development Bank Kotri for a loan of Rs. 62,400, and the mortgage remains intact.

5. Today, Mukhtiarkar of Taluka Thano Bula Khan stated that the land is mostly vacant and unsurveyed, with boundaries ascertainable only after a proper survey. The surrounding communities have not resisted the Petitioner’s claims. He suggested that the Petitioner be directed to accompany revenue officials to the site to indicate the exact boundaries.

6. After hearing the parties and considering the submissions, it is noted that the issues raised in the petition, prima facie require recording of evidence. The Mukhtiarkar’s comments indicate that the land was mortgaged with Agricultural Development Bank of Pakistan. However, no material has been placed on record to show that the petitioner has redeemed the subject land.

7. In these circumstances, the directions sought in the petition cannot be granted at this stage, and the petition is accordingly dismissed. The petitioner, however, remains at liberty to pursue his claim before the appropriate civil / revenue forum. In the event it is established before the competent authority that there is no impediment to the petitioner’s ownership, the Director Settlement Survey and Land Record Hyderabad, with the assistance of revenue authorities and, if necessary, police, may demarcate the subject land, subject to the outcome of the proceedings before the civil/revenue forum.

JUDGE

JUDGE

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