

HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

C.P. No. D-2106 of 2025

[Abdul Rasheed vs. Province of Sindh and Others]

BEFORE:

**JUSTICE ADNAN-UL-KARIM MEMON
JUSTICE RIAZAT ALI SAHAR**

Petitioner:

By Ms. Sobia Mehak advocate

Respondents:

By Mr. Rafique Ahmed Dahri Assistant A.G
Sindh a/w Mukhtiarkar Thana Bula Khan
Muhammad Bux Narejo

Date of hearing:

22.12.2025

Date of decision:

22.12.2025

O R D E R

ADNAN-UL-KARIM MEMON, J:- Through captioned petition, the petitioner has prayed as under:-

- (i) To set aside the Impugned Order Dated: 10-10-2025 and Sou Motu Order Dated: 11-02-2021 passed by the Learned Member RS & EP/Respondent No. 1 and Learned Additional Commissioner-II, Hyderabad Division / Respondent No. 3 respectively to the extent of Entry of the Petitioner.
- (ii) To direct the Respondents to restore the Entry No. 241 Dated: 05-01-2017 of the Petitioner's Subject Land in favor of the Petitioner.
- (iii) To call R&P's of the Learned Member RS & EP / Respondent No. 1 and Respondent No. 3 and or from any concern office.
- (iv) To restrain the Respondents from granting or allotting the Subject Land of the Petitioner to any Third Party;
- (v) To award costs of the Instant Petition in favor of the Petitioners; AND
- (vi) Any other relief that this Honourable Court may deem fit in the facts and circumstances of the Instant lis in the best interest of law and dispensation and administration of justice.

2. The case of the petitioner is that he is purchaser of agricultural land bearing Khet Nos. 212/4 (7-10 acres), 212/7 (6-17 acres), and 221/9 (3-19 acres), totaling 17-06 acres, situated in Deh Baber Band, Taluka Thana Bula Khan, District Jamshoro (hereinafter referred to as the "Subject Land"). The purchase was made under a registered Sale Deed dated 11.11.2016 between the petitioner and Abdul Latif. However, the Additional Commissioner-II Hyderabad/respondent No.3, by an order dated 11.02.2021, canceled the entries relating to

the Subject Land under Section 164 of the Sindh Land Revenue Act, 1967, while exercising suo moto powers, without providing the petitioner an opportunity of hearing. This order was subsequently upheld by the Member (RS&EP), Board of Revenue, via order dated 10.10.2025, prompting the filing of the present petition.

3. Learned counsel for the petitioner submits that the petitioner had purchased the Subject Land through the registered Sale Deed dated 11.11.2016 and had subsequently obtained mutation in his favor through entry No. 241 dated 05.01.2017, following which he was placed in possession. The Additional Commissioner-II Hyderabad, however, canceled the said entry ex-parte on 11.02.2021 in suo moto proceedings without hearing the petitioner. The petitioner challenged this order before the Member, Board of Revenue, who upheld the Additional Commissioner's decision on 10.10.2025. It is contended that the impugned orders are contrary to law, inconsistent with the facts, and violate the fundamental rights of the petitioner, including Article 10-A and 24 of the Constitution. Further, it is argued that Section 24 of the General Clauses Act, 1897, and relevant provisions of the Sindh Land Revenue Act do not authorize revenue authorities to cancel a valid Qabooli land entry based on the sale deed, rendering the impugned orders without jurisdiction and liable to be set aside. Learned counsel submitted that in similar circumstances the land of Airport Security Force Foundation was cancelled which order was assailed in Appeal before the Member (Land Utilization Department) Board of Revenue Sindh which vide order dated 14.12.2022 disposed of the Appeal with the observation that the impugned order dated 11.2.2021 passed by the Additional Commissioner-II, Hyderabad Division, Hyderabad without notice and providing personal hearing to the appellants therefore, the impugned order was held not sustainable in law and the same was set-aside to the extent of revenue entries with certain conditions and the case of the petitioner akin and needs to be decided in accordance with the decision render by the land utilization department. She prayed to allow the Petition.

4. Learned AAG states that the Subject Land had already been recorded in the name of the Government. Accordingly, the Additional Commissioner-II Hyderabad canceled the entries, which were found fake and entered without a proper mother entry. The Member, Board of Revenue, upheld this order. The AAG further contends that, as the land had already been declared Government land, the petitioner lacks locus standi to claim ownership. Moreover, if the petitioner has any claim, such disputes must be adjudicated before a competent Civil Court, as writ jurisdiction is not competent to decide contested questions of

fact. He prayed to dismiss the Petition. When confronted with the legal position of the case that the Member L.U has already taken the similar Decision in Airport Security Force Case and the order passed by the Additional Commissioner Hyderabad Division Hyderabad was set-aside. Learned A.A.G. submitted that the case of Airport Security Force is distinguishable from the case of present Petitioners as such the Decision dated 14.12.2022 cannot be relied upon as in the present case the mother entry is missing and subsequent superstructure built on the same is nullity in the eyes of law and cannot be relied upon.

5. We have heard learned counsel for the petitioner, considered the submissions of the learned AAG, and perused the record.

6. The petitioner claims ownership of the Subject Land through a registered sale deed and subsequent mutation in his favor. However, the revenue authorities contend that the land had already been recorded as government property, and the entries in favor of the petitioner were irregular or “without mother entry.” The Additional Commissioner-II Hyderabad canceled the entries in suo moto, proceedings and the Board of Revenue upheld that cancellation order.

7. The cancellation was based on the assertion that the land was government property, which is a factual dispute. The petitioner’s ownership claim rests on a sale deed and mutation, but revenue authorities argue that the land was already government-owned, creating a direct factual conflict.

8. Writ jurisdiction generally cannot resolve disputed questions of fact regarding ownership of land; such disputes are within the domain of civil courts. So far as the Decision made by the land Utilization department in another *Suo Moto* Case it is for the Petitioner to approach the competent forum if his case is akin to the case of the Airport Security Force as discussed *supra* and this court cannot make any concrete finding on the subject issue.

9. The petitioner’s proper remedy is to file a civil suit to adjudicate ownership and possession of the land based on sale deed. Without dilating upon the merits of the case, this petition is found to be based on certain factual disputes which requires evidence as such the proper remedy is civil court or any other forum as provided under the law. This petition is disposed of with pending application(s) in the above terms.

JUDGE

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