

**IN THE HIGH COURT OF SINDH, CIRCUIT COURT,
MIRPURKHAS**

C.P. No.D-730 of 2025
[Gul Muhammad vs. Manthar & others]

BEFORE:

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

Mr. Muhammad Nisar, Advocate for the petitioner, along with petitioner.

Nemo for the private respondent.

Mr. Muhammad Sharif Solangi, Assistant Advocate General, Sindh along with Yaseen Mustafa Mukhtiarkar Sanghar.

Date of hearing& decision: 10.12.2025.

ORDER

ADNAN-UL-KARIM MEMON, J.- Petitioner, through this Constitutional petition, prays as under:

i. Declare the impugned order dated 10-10-2025, passed by the learned Member BOR, as illegal, null, and void.

ii. Set aside the said order and restore the subject land in favor of the petitioner in accordance with the revenue record and the order of the Additional Commissioner-II, Hyderabad, dated 09-04-2021.

2. The petitioner, who is present along with his counsel, submits that he is the lawful owner and occupant of agricultural land bearing Survey Numbers 561/1 to 4 and 562/1, 2, totaling 24 acres, situated in Deh Lib, Taluka and District Sanghar. This land was duly recorded in his name through entry No. 510 dated 13-01-2009 in the Record of Rights, following completion of all legal formalities, including the payment of all installments and execution of necessary documents. He submitted that the dispute arises from the contention of respondent No.1, who claimed that an area of 24 acres from U.A No.1 Deh Lib was illegally and fraudulently granted to the petitioner in violation of the Land Grant Policy of 1989. Respondent No.1 alleged that he had also applied for the land but his request was rejected without reason and argued that the petitioner was neither a "hari" nor a resident of Deh Lib, and thus ineligible to receive the grant. According to respondent No.1, originally only 8-00 acres were granted to the petitioner, but this was later increased to 24-00 acres through alleged interpolation or erasing in the record. Respondent No.1 also claimed possession of the disputed land. However, the report of Mukhtiarkar, Sanghar, dated 08-01-2025, confirms that entire 24-00 acres were lawfully granted to the petitioner through Form-A No. PE-258 dated 03-12-2008, subsequently entered in the Record of Rights (VF VII-B of Deh Lib) and surveyed by the Survey & Settlement Department, forming new blocks 561/1 to 4 and 562/1, 2. The land remains un-cultivated in the name of petitioner. In rebuttal, the petitioner submitted

that 24-00 acres area of U.A No.1 was “Na Qabooli” land, scheduled in 2008 for allocation amongst landless haris under the chairmanship of the then District Officer (Revenue) Sanghar. A public katchery was held on 17-11-2008 as per the schedule published in daily “KAWISH,” during which the land was lawfully allotted to the petitioner. The petitioner made initial deposit of Rs. 100/- at National Bank of Pakistan, Sanghar Branch, and a Qabuliat was executed, with Form-A bearing No. PE-3886 issued in his favor. Possession of the land was delivered to the petitioner by the relevant authorities at the time of allotment. The petitioner further submits that the grant is fully paid-up and that he has acquired absolute ownership of the land, which has attained the status of Qabooli land and cannot be set aside. The Additional Commissioner-II, Hyderabad Division, through order dated 09-04-2021, upheld the legality of grant after reviewing the record and ground realities, confirming the petitioner’s lawful ownership. The petitioner asserts that the impugned order dated 10-10-2025, passed by the Member, Board of Revenue (Judicial-1), Hyderabad, is illegal, arbitrary, and contrary to law and facts. The order failed to properly appreciate the relevant documents, including the land grant schedule, Qabuliat, katchery proceedings, payment record, Form-A, VF VII-B/mutation entries, irrigation letters, and notifications increasing land allotment to landless haris. The petitioner also highlights that respondent No.1’s revision/appeal was time-barred and that he remained largely absent throughout the proceedings. Additionally, the petitioner has been facing threats from individuals namely Khadim Hussain, Chutto S/o Lemon Shar, Satabo S/o Muhammad Yousif, and Paroze S/o Muhammad Yousif, creating apprehension for his personal safety and property. The petitioner relies upon the Rubkari issued by DC/Sanghar on 25.07.2023, which confirms corrections in all relevant A-Forms, including from serial No. 3786 to 3886. He prayed to allow this Petition. For convenience’s sake, an excerpt of the order dated 10-10-2025 is reproduced as under:—

“I have gone through the impugned order passed by the Additional Commissioner-II, Hyderabad, and the operative paragraph thereof is reproduced as under:

The reports of the Mukhtiarkar, Taluka Sanghar, Survey Superintendent, Mirpurkhas, Mukhtiarkar Estate Sanghar, and the entire correspondence between the presiding officers of the various revenue authorities, along with the arguments and documents produced by the learned counsel for both parties, reveal that the land in question was granted to the respondent by the Barrage Authorities. The land was later surveyed and entered in the Record of Rights vide entry No. 510 dated 13-01-2009 of VF VII-B, and subsequently consolidated under entry No. 04 of VF VII-B of Deh Lib, Taluka Sanghar, in favor of respondent Gul Muhammad S/o Mano Khan Khaskheli. Therefore, the entries were maintained, and the appeal of the appellant was dismissed for lack of proof.

Having heard the parties at length, perused the record, the grant papers, and the report under reference, it appears as follows:

1. It is an admitted fact that a program for granting state land to landless haris in Deh Lib and other Dehs of District Sanghar was published in the daily “KAWISH” on 10-09-2008, inviting

applications for an open katchery, which was held on 17-11-2008, as also admitted by respondent No.1.

2. At the time of the open katchery, the statement of conditions notified by the Government of Sindh, Land Utilization Department, Board of Revenue, Sindh, vide Notification No. SB-III/I-279/P/1704/89 dated 04-12-1989, published in the Government Gazette dated 07-12-1989, was in force.
3. As per condition No. 6 of the Land Grant Policy, an eligible hari could be allotted up to 16 acres of state land. This limit was later increased to 25 acres through Notification dated 30-03-1992, subsequently reduced to 16 acres vide Notification dated 24-10-1997, and finally increased again to 25 acres through Notification dated 14-11-2008, published on 02-12-2008 in the Government Gazette. Therefore, the amendment became effective from 02-12-2008.
4. According to the schedule, applications were invited for allotment of state land in lots of 8 acres each from U.A No.1 in Deh Lib. Respondent No.1 applied and was to be allotted one lot of 8 acres as per the sketch prepared by the Barrage Muktiarkar. However, it is observed that respondent No.1 was allotted 24 acres from U.A No.1, which was neither part of the scheduled allotment nor permissible under the conditions of the Land Grant Policy effective at the time of the katchery.
5. The allotment of 24 acres thus appears to have been made in contravention of both the schedule and the conditions notified by the Government of Sindh.
6. It is also noted that a sketch of the allotted land from U.A No.1 was mandatory under condition No. 31 of the statement of conditions, but no such sketch was prepared by the Barrage Muktiarkar. Consequently, the measurement was not in accordance with the approved sketch. The Ghat Wadh Form shows that 24 acres were created from U.A No.1 (total area 2303 acres) without a sketch. Therefore, the formation of new Blocks No. 561/1 to 4 and 562/1 to 2, totaling 24 acres, was carried out without observing codal formalities.
7. It further appears that the learned Additional Commissioner-II, Hyderabad, ought to have examined the legality of the allotment and the procedural lapses, but he merely relied upon the reports of the Muktiarkar, Taluka Sanghar, Survey Superintendent, Mirpurkhas, and Muktiarkar Estate Sanghar, and dismissed the appeal vide order dated 09-04-2021. Hence, the impugned order *prima facie* appears to be against law and merits, and is liable to be set aside under the circumstances.
8. For the foregoing reasons, the allotment order of 24 acres from U.A No.1 in Deh Lib, Taluka Sanghar, and the formation of new Blocks No. 561/1 to 4 and 562/1 to 2 under the Ghat Wadh Form, together with the entries in favor of respondent No.1, are hereby **cancelled**. Consequently, the impugned order dated 09-04-2021 passed by the Additional Commissioner-II, Hyderabad, is set aside. The Muktiarkar, Revenue Taluka Sanghar, and Muktiarkar Estate/HQ Estate, District Sanghar, are directed to update the revenue record in accordance with this order, declaring the land as state land, with intimation to this Court and the concerned authorities. The Deputy Commissioner, Sanghar, is directed to safeguard the Government's interest in accordance with law, rules, and policy.”

3. The Muktiarkar, Taluka Sanghar, appeared in court and submitted that an area of 24-00 acres under U.A. No.1 is recorded in the name of Gul Muhammad S/o Mano Khan Khaskheli based on Barrage Allotment made in 2008, as per A-Form No. PE-258 dated 03.12.2008, and vide entry No. 510 dated 13-01-2009 of VF VII-B of Deh Lib, Tapa Jakhrao, Taluka Sanghar. The land was surveyed by the Survey & Settlement

Department, Mirpurkhas, resulting in the formation of new Blocks 561/1 to 4 and 562/1, 2, totaling 24-00 acres. This entry was recorded in the Record of Rights vide entry No. 04 of VF VII-B (PRC) of Deh Lib. It was further clarified that no entry exists in the revenue record in the name of Manthar S/o Muhammad Yousif. He further submitted that the impugned order dated 10-10-2025 has already been fully implemented pursuant to letter No. 761/2025 dated 16-10-2025 of the Deputy Commissioner, Sanghar, and Judicial Order No. Reader/MBR-JUD-1/1881/2025. In compliance with these directions, the revenue record has been updated, declaring the subject land as state land and canceling the previous grant in the name of Gul Muhammad recorded under entry No. 510 dated 13-01-2009. The Mukhtiarkar emphasized that all necessary corrections in the revenue record have been made in accordance with the directions of Member Judicial-I of Board of Revenue. As a result, the prayer to set aside the order has become infructuous. The land now stands declared as state land under the judicial order of Board of Revenue, and the earlier order dated 09-04-2021 has been superseded through revision proceedings. Since the order dated 10-10-2025 has been fully implemented and the grant of Gul Muhammad has been canceled with the land recorded as state land, the request for stay of the order does not arise. In view of the above, he prayed that the constitutional petition be dismissed.

4. We have heard the petitioner, who is present in person, as well as Mukhtiarkar Taluka Sanghar, and have perused the record, including the impugned order passed by the Member Judicial Board of Revenue.

5. The initial order dated 09-04-2021 passed by Additional Commissioner-II, Hyderabad, shows that he examined the reports of Mukhtiarkar, Survey Superintendent Mirpurkhas, and Mukhtiarkar Estate Sanghar, as well as the correspondence between revenue authorities. These records confirmed that 24-00 acres land under U.A. No.1, Deh Lib, was lawfully granted in 2008 to Gul Muhammad S/o Mano Khan Khaskheli by the Barrage Authorities and recorded in the Record of Rights (VF VII-B, entry No. 510, later consolidated under entry No.04). The land was scheduled as “Na Qabooli” for distribution among landless haris, publicly notified in daily “KAWISH” on 10.09.2008, and an open katchery was held on 17-11-2008. Gul Muhammad lawfully applied, paid the initial deposit, executed Qabuliat, and received Form-A, with possession delivered and entries updated by the Survey & Settlement Department to form new blocks 561/1 to 4 and 562/1 ,2. The respondent in the present petition and appellant before him, Manthar, did not apply during katchery or contest the allocation, lacking legal cause to challenge the grant. After considering the records, procedures, and payments, the Additional Commissioner-II concluded that the grant was lawful and valid, dismissing the appeal and affirming that the entries in favor of Gul Muhammad required no interference.

6. The Member Judicial, vide order dated 10-10-2025, held that the allotment of 24-00 acres from U.A. No.1 in Deh Lib, Taluka Sanghar, including Blocks 561/1 to 4

and 562/1 & 2 formed under Ghat Wadh form, along with the related entries in favor of the petitioner/Respondent No.1, is cancelled. The Member Judicial reasoned that the program for granting state land to landless haris in Deh Lib and other Dehs of District Sanghar was publicly notified in daily “KAWISH” on 10-09-2008, with an open katchery held on 17-11-2008 to invite applications. At that time, the land grant policy notified by the Government of Sindh (Notification No. SB-III/I-279/P/1704/89 dated 04-12-1989) was in force, prescribing eligibility conditions and limits on allotment. Although an eligible hari could receive up to 16-00 acres, this limit was subsequently adjusted and ultimately set at 25-00 acres effective 02-12-2008. According to the schedule, land was to be allotted in lots of 8-00 acres each. Respondent No.1 applied and was entitled to one lot of 8 acres but was later allotted 24-00 acres exceeding the scheduled limit and violating the notified policy conditions. Furthermore, the allotment did not comply with mandatory procedures: a required sketch under condition No.31 was not prepared, and the Ghat Wadh Form shows that 24-00 acres were created without proper approval, forming Blocks 561/1 to 4 and 562/1 & 2 illegally. The Additional Commissioner-II, Hyderabad, in his order dated 09-04-2021, failed to consider these procedural lapses and legal irregularities, relying solely on the reports of Mukhtiarkar, Survey Superintendent, and Estate Mukhtiarkar, and dismissed the appeal without examining the legality of the allotment. The Member Judicial concluded that the 24-00 acres allotment was in violation of the schedule and the Government’s Land Grant Policy and did not observe mandatory codal formalities. Accordingly, the impugned order dated 09-04-2021 was set aside. The Mukhtiarkar, Taluka and Estate, Sanghar, was directed to update the record, declaring the land as state land, with intimation to the Court and the concerned authorities. The Deputy Commissioner, Sanghar, was directed to safeguard the Government’s interest in accordance with law, rules, and policy.

7. We have been informed that the Government of Sindh, through its Land Utilization Department, issued a notification dated 14 November 2008 (No. 58-III/I-279/P/394/1989), exercising the powers granted under sub-section (2) of Section 10 of the Colonization of Government Lands (Sindh) Act, 1912, to amend the Statement of Conditions governing the allotment of state land to haris (peasants), small khatedars, and mohagdars. These amendments were made in reference to the earlier notifications issued on 04-12-1989, 30-03-1992, 26-03-1996, and 24-10-1997. The changes introduced through this notification are summarized as follows:

“General Substitutions:

Wherever the term “sixteen acres” appeared in the original conditions, it was substituted with “twenty-five acres.”

Wherever the term “price of the land” appeared, it was replaced with “documentation fee or the price, as the case may be.”

1. Condition No. 2:

Clause (g) was redefined to mean that a “grantee” is an allottee who has paid an initial deposit of Rs. 100 per grant.

Clause (h) was revised to define a “hari” as a person who does not hold land, or holds less than twenty-five acres, has resided for at least ten years in the Deh, Tapa, Taluka, or District in which the land is applied for, and has been cultivating land either personally or through a family member—belonging to Zamindars, the Government, or their own holding. Family members include father, mother, son, daughter, husband, wife, brother, sister, or grandson.

2. Condition No. 5(1):

In sub-clause (ij), the full stop was replaced with a semi-colon, and an additional sub-clause was added: “Haris holding sixteen acres but not more than twenty-five acres.”

New clauses were also added specifying that the hari must belong to the same Jaluka or the same district in which the land is applied for.

3. Condition No. 17:

Any hari or small khatedar allotted land, who has executed Qabuliat under Section 10(1) and paid the initial deposit of Rs. 100, must pay a documentation fee of Rs. 100 per year for a period of fifteen years.

Any mohagder granted land under Condition No. 12 must deposit Rs. 5,000 per acre as the price of the land.

4. Conditions No. 21(2), 27, and 32:

The duration mentioned as “ten years” in these conditions was substituted with “fifteen years.”

These amendments updated and clarified the eligibility criteria, allotment limits, and payment obligations for grantees, ensuring that the procedures for granting state land to haris, small khatedars, and mohagdars were aligned with the law and government policy.

8. Issue regarding maximum allotment limit under condition No. 6 of the Land Grant Policy, we have been informed that the condition No. 6 of the Land Grant Policy originally allowed allotment of up to 16 acres to an eligible Hari. This limit was enhanced to 25 acres vide Notification dated 30-03-1992, reduced back to 16 acres through Notification dated 24-10-1997, and again enhanced to 25 acres by Notification dated 14-11-2008, published in the Gazette on 02-12-2008. The notification dated 14-11-2008 reflects a conscious policy decision to restore the higher ceiling. In the absence of any express provision deferring its enforcement to the date of Gazette publication, the date of issuance/approval remains material. The delay in Gazette publication is merely administrative and cannot prejudice an otherwise eligible Hari, particularly when the amendment is beneficial. In the present case, the allotment of 24 acres falls within the permissible limit of 25 acres as restored by the amendment dated 14-11-2008. Therefore, the allotment does not violate Condition No. 6, and denial of benefit on the ground of late publication would defeat the object of the amendment. Condition

No. 6 stood amended on 14-11-2008, and the late Gazette publication does not debar an eligible Hari from allotment of 24 acres, which is lawful and policy-compliant. Any other procedural lapse, if any, on the part of the government functionaries is of no consequence, provided that the eligible Hari is entitled to the land in question, subject to any exception prescribed under the law. No such exception has been pointed out by the concerned Mukhtiarkar. He simply said the judicial order has been passed. In such vie of the case, therefore, this Court is of the tentative view that such technical objections cannot defeat the right of the Hari under the policy decision notified on 14-11-2008.

9. In view of the foregoing reasons, we are of the view that the learned Member Judicial erred in overlooking the effect and scope of 2008 amendment, which expressly authorizes the competent authority to allot up to 25-00 acres of state land to landless haris. This statutory enhancement from 8-00 acres to 25-00 acres itself establishes the petitioner's eligibility for the land in question. The challenge raised by respondent Manthar appears *prima facie* motivated by personal vendetta rather than any legal infirmity in the petitioner's allotment, particularly when the competent authority under the revenue hierarchy has never questioned the petitioner's entitlement at any stage. The amendment sufficiently protects the rights of landless haris by expanding the allotment limit, and the introduction of new issues by the Member Judicial, based on an incorrect interpretation of the amendment, is unwarranted. However, such technical objections and lapses on the part of official respondents cannot defeat the right of the Hari under the policy decision notified on 14-11-2008 as discussed in the preceding paragraph.

10. Accordingly, we hold that the petitioner's entitlement to the grant of land, as well as his retention of 24-00 acres, is within the parameters of law and fully supported by the amended policy notified on 14-11-2008. The impugned order dated 10-10-2025 of learned Member Judicial, to the extent that it pertains to the petitioner, is hereby set aside, and the order of Additional Commissioner-II dated 09-04-2021, along with the orders of the revenue authorities, keeping the revenue record in favor of the petitioner are affirmed.

11. This petition stands disposed of in the above terms.

JUDGE

JUDGE