

ORDER SHEET
HIGH COURT OF SINDH CIRCUIT COURT,
MIRPURKHAS

C.P. No.D-900 of 2024

[Razaullah Versus Province of Sindh and others]

Before

Mr. Justice Adnan-ul-Karim Memon

Mr. Justice Riazat Ali Sahar

Mr. Farhan Ahmed Bozdar, Advocate on behalf of petitioner.

Mr. Ayaz Ali Rajper, Assistant A.G. Sindh.

Respondent No. 05 present in person.

Date of Hearing

& Order : 17.12.2025

ORDER

ADNAN-UL-KARIM MEMON, J. - The petitioners through the instant constitutional Petition have sought direction to Respondents 2, 3 and 4 to discharge their duties and prevent the illegal cutting of trees and restrain Respondent No.5 from cutting further trees or harassing villagers.

2. The case of the petitioners is that they are Makan Abadgar of Makan Village Saghror, Taluka Diplo, District Tharparkar. They have filed this petition concerning a dispute over land reserved in 1946-47 by the then Deputy Collector Desert (Order No. 3340) for "Gaucher" (cattle grazing), two graveyards (for Muslims and Hindus), and a TARAI area for rainwater preservation. This land, spanning approximately 500 acres, has historically been used by the villagers of Sadhrore, Manjhiar, Sobhiar, and Kaharar for grazing, along with limited use for cultivation, while preserving old trees such as Koonbaht, Jaar, Bahori, Kandi, and Rohiro. The petitioners claimed that Respondent No.5, Moula Bux Bajeer, a non-local employee of District Court in Mithi, along with his supporters, illegally attempted to cut old trees on the reserved land on 18th July 2019. The villagers resisted, but were allegedly threatened with false cases and violence. Complaints were filed with Deputy Commissioner and Mukhtiarkar concerned, and protests were held, including press conferences on 18th 19th July 2019 but no action was taken.

3. In response, learned AAG submitted that the disputed land lies in Makan Sobhiar, not Makan Saghror as presumed by the petitioners. Revenue officers conducted an investigation, including field verification and review of historical records. The investigation found the land as state-owned and has been in possession of the forefathers of Respondent No.5's family for generations. No official Gaucher/Aasaish land has been sanctioned in either Makan Saghror or

Makan Sobhiar, as Taluka Diplo remains largely un-surveyed. The alleged cutting of trees involved only clearing bushes and branches for cultivation by family members of Respondent No.5; no old-age trees were removed. Surrounding land plots historically belong to Respondent No.5's family, with cultivation recorded since at least 1970-71. He concluded that the land is state property and will be disposed of according to desert land grant policies when formal procedures occur. The dispute arises from a historical misunderstanding between the villagers of Saghror and Sobhiar, dating back to 1937-38, and has been clarified by historical sketches and revenue records.

4. The petitioners claim that they, as residents of Makan Saghror, have been using the disputed land for cattle grazing and limited cultivation, and that Respondent No. 5 unlawfully attempted to cut old trees on this land. However, the investigation by revenue officers reveals that the disputed land is actually located in Makan Sobhiar, is state-owned, however, no official Gaucher or Aasaish land exists in Makan Saghror or Sobhiar, besides it is claimed by the private respondents that as per historical records which confirm the land's status and longstanding use by Respondent No.5's family, while the dispute stems from a misunderstanding between the villages of Saghror and Sobhiar dating back to 1937-38.

5. The Deputy Commissioner has concluded that the disputed land is state property, and any formal disposal will be carried out in accordance with the desert land grant policies. Until such disposal occurs, the status of the land shall remain unchanged, and it may continue to be used as Gaucher or Aasaish land, subject to all lawful exceptions. The Deputy Commissioner shall ensure that no law and order situation arises on the land, and in the event that any person attempts to treat the land as private property or interfere with its lawful use, appropriate action shall be taken in accordance with Section 154 of the Cr.P.C.

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

JUDGE

JUDGE

Karar Hussain/PS*