

HIGH COURT OF SINDH CIRCUIT COURT, MIRPURKHAS

C.P No.D-1662 of 2024

[Bheel Intellectual Forum & Others vs. Federation of Pakistan and Others]

Before:

JUSTICE ADNAN-UL-KARIM MEMON
JUSTICE RIAZAT ALI SAHAR

Mr. Satram Sonani Bheel, advocate for petitioner(s)

Mr. Sabir Hussain, Assistant Attorney General

Date of hearing & decision: 19.11.2025

ORDER

ADNAN-UL-KARIM MEMON J.- The petitioners prayed that this Court may be pleased to:-

- a. Direct the respondents No. 1 to 8 to award compensation to the victims of Bheel Community, who are victims of tyranny, barbarism, and political victimization by the local leadership of PPP.
- b. Order for high-level inquiry regarding the victimization and discrimination against the Bheel Community in the whole District Tharparkar.
- c. Order for re-investigation of FIR No. 59 of 2020 of Police Station Mithi through an honest and impartial police official with directions to submit such a report in this Honourable Court.
- d. Direct the respondents No. 1 to 19 to ensure that no discrimination of any kind and victimization will be caused with the Bheel Community in District Tharparkar.
- e. Direct the respondents No. 1 to 19 to ensure the safety and protection of the Bheel Community, and also ensure that no harassment will be caused to the Bheel Community. Neither any house of the Bheel Community will be demolished nor any false FIR will be registered against them, and they will be treated as citizens of Pakistan.
- f. Direct the respondents No. 1 to 8 to get the survey whole District Tharparkar and bifurcate/ demarcate the land of the Government and Forest Department and allot the Government land to the already sanctioned villages of the Bheel Community and other communities.
- g. Grant interim injunction, thereby restraining the respondents from demolishing/ bulldozing/ destroying any house of the Bheel Community in any village of District Tharparkar, till the final decision of the instant petition.

2. The petitioners state that they are law-abiding citizens of Pakistan, residing in District Tharparkar and entitled to fundamental rights under the Constitution of 1973. Petitioner No. 1, *Bheel Intellectual Forum (BIF)* is a registered organization under the Societies Act, 1860, working since 2010 for the welfare of Bheel community and actively raising their issues before government authorities. According to the petitioners, the Forum participated in the last General Elections by supporting two independent candidates; namely Hemraj Bheel for NA-222 and Lajpat Rai Soorani for PS-56. The entire Bheel community of Tharparkar supported these candidates and campaigned extensively for them. The petitioners allege that due to this political activity, the local leadership of the Pakistan Peoples Party (PPP) pressured the candidates to withdraw and when they refused, threats were allegedly issued to the Bheel community. The petitioners claim that their supported candidates secured over 24,000 votes, which according to them created fear amongst PPP leadership about their future electoral standing. As a result, the local MNA, MPA and other leaders of PPP allegedly began victimizing the Bheel community and compelling them to join PPP. When the community refused, the petitioners allege that a “planned campaign” of discrimination began, particularly targeting villages where the Bheel population was in majority and where the BIF-supported candidates had performed well. The petitioners submit that most of districts of Tharparkar are un-surveyed and communities of all backgrounds live without title documents. However, according to them, only the houses of the Bheel community have been demolished under the pretext of anti-encroachment, while the houses of other communities, equally without documents, are left untouched. They referred several incidents including: he submitted that A large contingent of district administration and police allegedly demolished around 150 houses belonging only to the Bheel community. No houses of other communities were touched. Again, around 50 houses of the Bheel community were reportedly demolished. The petitioners allege that valuables were taken away and that the administration falsely claimed a court order authorized the operation. They maintain that neither the land belonged to the Forest Department nor were non-Bheel houses demolished. Petitioners allege that private respondents, allegedly linked with PPP leadership, demolished around 20 houses of the Bheel community and expelled them from the village, taking away cash, jewelry, and household items. Despite protests, no FIR was registered and the affected persons were allegedly barred from returning. Petitioners claim

that the Assistant Commissioner Mithi, SHO Mithi, Mukhtiarkar, Tapedar, and private individuals of Thakur community, along with heavy police contingent, demolished only houses of the Bheel community. Upon peaceful protest, a false FIR (No. 59/2020) was allegedly registered against community members and BIF leaders. In all these incidents, the petitioners contend that political victimization is being carried out under the cover of anti-encroachment drives, that discriminatory actions continue and that the district administration is being misused as a tool. Despite demonstrations and commitments by authorities, the grievances reportedly remain unresolved. The petitioners claim they are aggrieved under Article 199, as their constitutional rights are repeatedly violated and no alternative remedy is available. They seek compensation, inquiry, cancellation of FIR, protection of community, prevention of future demolitions, proper land demarcation and interim injunctive relief.

3. The Assistant Commissioner Mithi denies the allegations of political victimization and discrimination. He states that he is Ex-Officio Assistant Director Anti-Encroachment for Taluka Mithi, appointed under official orders, and that anti-encroachment operations were carried out purely in compliance with *orders of the Honourable Supreme Court of Pakistan and Anti-Encroachment Tribunal, Mirpurkhas*. The respondents contend that the petitioners' claims are unsubstantiated and the burden of proof lies upon them. They state that in 2018, private plaintiffs filed Suit No. 30 of 2018 before the Anti-Encroachment Tribunal, Mirpurkhas and the Tribunal passed an order directing the Assistant Commissioner to remove illegal encroachments. The operations conducted thereafter which was in compliance with that court's order. Regarding 2020 incident at village Malanhore Khanji, the Assistant Commissioner narrates that an application was received from villagers (Saroopsingh and others) alleging that Ranjho Bheel and others had cut green trees on government land, illegally encroached upon *Asaish* land, and blocked passageways used by villagers and cattle. After a field visit and verification through the local Tapedar, the Assistant Commissioner issued three notices (07.05.2020, 13.05.2020, and 16.06.2020) to the alleged encroachers under the Sindh Public Property (Removal of Encroachment) Act, 2010. Since the land was not vacated, the administration proceeded to remove the encroachment on 23.06.2020. The respondents' further state that resistance from the encroachers prevented the removal, and therefore a letter was written to SHO Mithi to lodge FIR. Consequently, FIR No. 59/2020 was registered against Ranjho Bheel and

others. They deny any political motives or discrimination stating that actions were purely legal and administrative. Regarding the flour mill, the Assistant Commissioner states it is a small facility operating for 15 years without objection from villagers and is unrelated to the alleged encroachment. The respondents insist that the Bheel community only recently encroached on government land and created blockades to pressurize authorities, even violating COVID-19 restrictions. They maintain that they removed illegal encroachments strictly from government land, followed due legal process, and acted in the best interest of the state.

4. The Superintendent of Police, Tharparkar at Mithi submits that the matter primarily concerns Revenue and Forest Departments and that the police personnel were only deployed to maintain law and order during anti-encroachment activities. According to SHO Mithi, the Bheel community had encroached upon “Government Gauchar Land” and when the Revenue Department attempted removal of encroachment, the community obstructed the officials. FIR No. 59/2020 was therefore registered legally and is now under trial. SHO Islamkot reports that encroachment was made on Forest Land and that police only assisted in maintaining law and order; no illegal act was committed by the police. SHO Diplo denies his involvement entirely. SP further asserts that no illegal act was committed by the police, the case is purely administrative / civil in nature, and the police only performed lawful duties. He therefore prays that his name be struck off from the list of respondents.

5. After hearing the counsel for the petitioners and examining the para-wise comments submitted on behalf of the official respondents, it emerges that the petitioners have alleged a continuous pattern of discrimination, political victimization, unlawful demolitions, and misuse of official authority against the Bheel community of District Tharparkar. They contend that anti-encroachment proceedings were selectively initiated only against their community and that multiple incidents of demolition were carried out without due process of law, resulting in loss of shelter, property and security. They further challenge the registration of FIR No. 59/2020 as being false, fabricated and a result of retaliation to their peaceful protest. For these reasons, the petitioners have sought compensation, an impartial inquiry, protection of fundamental rights and restraining orders against further demolitions. On the other hand, the official respondents particularly Assistant Commissioner Mithi and Superintendent of Police Tharparkar

have denied all the allegations of discrimination and political motives. They assert that anti-encroachment actions were undertaken strictly in accordance with directions issued by the Honourable Supreme Court as well as the Anti-Encroachment Tribunal, Mirpurkhas. They maintain that the land in question was government land, that notices were duly issued to encroachers under Sindh Public Property (Removal of Encroachment) Act, 2010, and that resistance from certain individuals resulted in lawful registration of FIR No. 59/2020. The police authorities also maintain that their role was confined only to maintain law and order situation and no unlawful act was committed on their part.

6. At this stage, the record demonstrates that serious disputed questions of fact exist between the parties, particularly regarding (i) the nature of the land, (ii) whether demolitions were selective or discriminatory, (iii) whether proper notices were served (iv) whether the FIR was registered lawfully or in retaliation, and (v) whether actions were carried out pursuant to valid court orders or were motivated by political considerations.

7. The above disputed factual controversies cannot be resolved in constitutional jurisdiction without recording evidence, which is outside the scope of Article 199 of the Constitution. However, the petitioners' core grievance relates to enforcement of their fundamental rights including equality before law, protection against unlawful harassment, right to shelter and due process, which this Court is competent to safeguard.

8. Accordingly, in the interest of justice, good governance and protection of fundamental rights of all citizens, particularly marginalized communities matter requires independent verification, transparency and lawful action by competent authorities; therefore, without expressing any opinion on the merits of the parties' respective claims, this petition is disposed of with directions to Commissioner, Mirpurkhas Division, to constitute a neutral and high-level inquiry committee comprising senior officers not posted in District Tharparkar at the time of the alleged incidents, to examine the petitioners' allegations of discrimination, selective demolitions and misuse of authority. The committee shall verify whether anti-encroachment actions were carried out in accordance with law, whether proper notices were issued and whether demolitions were selective or discriminatory. A detailed report shall be submitted to this

Court through its Registrar within sixty (60) days. Regarding FIR No. 59/2020, the IGP Sindh is directed to entrust the matter to a senior police officer of SSP rank from another district who shall review the investigation strictly in accordance with law and submit a report to the inquiry committee as well as the concerned trial court. The trial court shall proceed independently based on the evidence and in accordance with law. The respondents are directed to ensure that no person of any community, including the Bheel community, is subjected to discrimination, harassment, or coercive action without due process of law. No demolition of any house, belonging to the Bheel community or any other community in Tharparkar, shall be carried out without prior written notice, opportunity of hearing and compliance with the Sindh Public Property (Removal of Encroachment) Act, 2010, and other relevant laws. The Board of Revenue Sindh is directed to initiate a survey/demarcation exercise in District Tharparkar, in coordination with the Forest Department, to clearly identify government land, forest land, and existing settled villages and to take future actions only on the basis of such demarcation. The petitioners, meanwhile, may avail any appropriate civil remedies regarding title, compensation for alleged loss, or any other claims before the competent forum, if so advised. With these directions, the petition stands disposed of with no order as to costs.

JUDGE

JUDGE

Karar Hussain/PS*