HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

C.P. No.D-1785 of 2019.

*[Dr. Mashooque Ali **VS** Province of Sindh & others]*

Before:

Justice Adnan-Ul-Karim Memon.
Justice Muhammad Jaffer Raza.

Petitioner:	By Mr. Dileep J.Mulani, Advocate.
Respondent(s):	By Mr. Rafique Ahmed Dahri, Additional Advocate General, Sindh.
Date of hearing	30.10.2026
Date of Decision	30.10.2026

O R D E R

ADNAN-UL-KARIM MEMON, J, - The petitioner has filed the instant Constitutional Petition challenging the verification of Entry No.186 of V.F.-VII about various survey numbers in Deh Babar Bund, Taluka Thano Bula Khan, which the EDO (Revenue), Jamshoro, had suspected to be bogus and forged due to discrepancies in the recorded area.

2. Earlier in C.P. No. D- 242 of 2007, this Court, vide order dated 02.12.2008, directed the EDO (Revenue) to hear the petitioner and the legal heirs of Haji Qadir Bux and decide the matter afresh. In compliance of which Mukhtiarkar issued notice dated 18.04.2019, requiring the petitioner to produce title documents for verification of the revenue record, which triggered the cause for the petitioner to approach this court.

3. Learned A.A.G. submitted that the petitioner may produce his title documents before Mukhtiarkar, who shall decide the matter in accordance with law within two weeks.

4. When confronted with this legal aspect of the case, counsel reluctantly agreed to appear before the concerned Mukhtiarkar for the aforesaid exercise; however, he insisted that his title documents are genuine and no need further verification. Be that as it may, it is for the concerned Revenue officer to satisfy himself with regard to the genuineness of the revenue record and, after satisfaction, a speaking order shall be passed by hearing all concerned.

5. The controversy essentially relates to the genuineness and correctness of Entry No.186 of V.F.-VII and the title claimed by the petitioner over the subject survey numbers, which require examination of the original revenue record, supporting title documents and relevant evidence. Such an exercise falls primarily within the domain of the competent Revenue authorities, who are legally empowered to verify the entries, hear all affected parties and determine the matter by passing a speaking order in accordance with law.

6. The constitutional jurisdiction under Article 199 is extraordinary and discretionary in nature and is not intended to substitute the statutory revenue machinery or to undertake disputed questions of fact involving scrutiny of documents, determination of competing claims of title or verification of alleged fraudulent entries. Mere issuance of a notice for verification of the revenue record, by itself, does not constitute an unlawful exercise of jurisdiction or infringement of any vested right, particularly when the petitioner has been afforded an opportunity to produce his title documents. Moreover, the earlier order dated 02.12.2008 passed in C.P. No.D-242 of 2007 also contemplated fresh proceedings after hearing the petitioner and the legal heirs of Haji Qadir Bux; therefore, the petitioner cannot claim immunity from lawful verification of the disputed entry merely on the assertion that his documents are genuine.

7. Consequently, the competent Revenue authority is directed to complete the verification process after providing a fair opportunity of hearing to all concerned, examining the original record and passing a reasoned and speaking order. Needless to observe that no adverse action shall be taken against the petitioner without due process of law, and if the petitioner is dissatisfied with the decision, he shall be at liberty to avail the remedies available under the relevant revenue law.

8. Accordingly, the constitutional petition stands disposed of, without expressing any opinion on the merits of the competing claims of title.

JUDGE

JUDGE

Karar_Hussain/PS*