

HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

C.P No. D-1131 of 2021

[Ghulam Nabi & Ors.. vs. Province of Sindh & Ors]

BEFORE:

JUSTICE MUHAMMAD SALEEM JESSAR
JUSTICE NISAR AHMED BHANBHRO

Mr. Pirbhu Lal U. Goklani, advocate for the petitioners

Date of hearing : 27.10.2025

Date of decision : 27.10.2025

ORDER

NISAR AHMED BHANBHRO, J:- Through this petition, the petitioners have claimed following reliefs:-

- a. *That this Honorable Court may be pleased to declare that the exercise of suo moto jurisdiction on application of DFO moved before Deputy Commissioner after more than five decades in respect of past and closed transaction based on the basis of register sale deeds for land allocated in 1965 the Additional Commissioner-II Hyderabad have no jurisdiction and the order passed is in violation of the principles of the natural justice based on no evidence on the part of forest department and as such the order is null and void and without jurisdiction and lawful authority.*
- b. *That this Honorable Court be pleased to declare so in the best interest of justice that cancellation of entries by Deputy Commissioner Jamshoro before decision of reference are void and reference is infructuous.*

2. Learned counsel for the petitioners submits that the impugned action on part of the respondents is against the law, facts and equity, as such is liable to be set aside, as petitioners are owners of the land and in possession since more than 50 years and have been deprived of their landed property without justification.

3. Arguments heard and record perused.

4. It is the case of the petitioners that they were owners of the land admeasuring 979-20 situated in Deh Dhandh Karampur Shah Garh Taluka Sehwan District Jamshoro, which was entered in the record of rights in their favour vide entry No.133 dated 3.05.1965 and 13 dated 08.07.1987. Record, however, reflects that office of the Divisional Forest Officer Afforestation Division Jamshoro vide his letter dated 01.01.2020 claimed that the subject land belongs to Forest Department and requested the

Deputy Commissioner Jamshoro for moving a reference for cancellation of entries made in favour of the private persons in respect of the subject land. The Deputy Commissioner conducted a thorough enquiry made a reference to Commissioner Hyderabad Division, who entrusted the same to Additional Commissioner-II Hyderabad. The Additional Commissioner-II after hearing the parties and perusing the material available before him allowed the reference and cancelled the entries that were made in favour of the petitioners and handed over the subject land to Forest Department.

5. Since there are counter claims of the parties with regard to ownership over the landed property, the appropriate forum would be Civil Court, where the parties will be in a position to lead their evidence to prove their claim, however, such a factual controversy cannot be looked into by this Court in exercise of its constitutional jurisdiction. Accordingly, this petition is not maintainable and the same stands dismissed in limine alongwith pending applications.

JUDGE

JUDGE

Sajjad Ali Jessar