

the promulgation of Sindh Goth-abad (Housing Scheme) Act, 1987 (hereinafter the Act, 1987). The learned Deputy Commissioner Thatta by order dated **6.3.1996** cancelled the sanad as well as village form-II issued in favour of the applicant.

The applicant preferred appeal before the Commissioner Hyderabad Division, Hyderabad bearing Case No.4413/HVC(SGA(H.S) /1996. The Commissioner Hyderabad Division upheld findings of the Deputy Commissioner by order dated **6.5.1997**. the applicant being aggrieved by two orders filed civil suit and the respondent contested the same by filing written statement. Ultimately suit was dismissed and even appeal No.29/2001 was also dismissed by order dated **10.3.2003**. This revision was filed in 2003.

Heard the learned counsel for the parties and perused the record.

Learned counsel for the official respondents at the very outset pointed out that the sanad available at page 99 on the face of it was not even genuine document. Its perusal shows that the **Sanad** was in respect of a plot measuring 4856 sq.ft and the Collector was not empowered to issue sanad in respect of any plot under the Goth-abad Scheme for the plot measuring more than **two ghuntas**. He has referred to **Section 3** of the Act, 1987 which is reproduced below.

3. Allotment of land. – Subject to the other provisions of this Act, the ³[Collector] may on the recommendations of the Allotment Committee allot land not exceeding two ghuntas for construction of

a house to a deserving person in the ¹[dehs] in which he ordinarily resides free of cost in such manner and on such terms and conditions as may be prescribed:

Learned counsel for the applicant in fact has no answer to such proposition that the very sanad was contrary to the requirement of law. However, he subsequently attempted to argue that by virtue of proviso to section 3 of the Act, 1987, the limit of two ghunta was not applicable in case of deserving person. No such plea was taken by him before Assistant Commissioner and Deputy Commissioner (Settlement) that anything allotted to him beyond the limit prescribed in terms of Section 3 of the Act, 1987 was in exercise of powers so conferred on the authority. He has not produced any noting / draft regarding Goth-abad scheme to accommodate him in terms of proviso of **Section 3** for grant of land beyond two ghuntas. Beside the above, learned counsel for applicant has attempted to argue that the sale deed claimed to be relied upon by the private respondents for cancellation of sanad was not in respect of the land which was awarded to him under Goth-abad Scheme. Be that as it may, concurrent findings of facts, by the courts below cannot be simply set aside by looking at the plea of respondent from a different angle. The case in hand is not a simply case against concurrent findings of courts below but it is also a case concurrent findings of two quasi judicial orders of Deputy Commissioner (Settlement), and Commissioner of Hyderabad against the applicant and on top that the allotment

of suit plot through **Sanad** was illegal as it was issued in excess of the powers conferred on the Collector to grant land / plot to the applicant under the Act, 1987. Any **Sanad** in respect of a piece of land / plot for more than **two ghuntas** was void abinito and illegal.

In view of the above, I am not inclined to interfere in the findings of the courts below, therefore, this revision is dismissed alongwith listed application.

JUDGE

SM