

ORDER SHEET  
IN THE HIGH COURT OF SINDH,  
CIRCUIT COURT, HYDERABAD  
C.P No.D-524 of 2019

DATE	ORDER WITH SIGNATURE OF JUDGE
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1. For orders on M.A No.3085/2019
2. For orders on office objection(s)
3. For orders on M.A No.3086/2019
4. For orders on M.A No.3087/2019
5. For hearing of main case

26.03.2019

Syed Shafiq Shah, advocate for petitioners

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1. Urgency accorded.

2to5. Petitioners claim to be landlord and owners of survey No.51 admeasuring 2.6 acres situated in Deh Saeedabad Taluka Saeedabad District Matiari and 21 shops constructed thereon, which they have rented out to different persons. It is the case of the petitioners that Respondents No.3 & 4 who are Assistant Commissioner/Authorized Officer and Mukhtiarkar/Authorized Officer Anti-encroachment Cell, Saeedabad District Matiari visited the said area and informed the petitioners that said shops are constructed on an encroached area, the petitioners showed them relevant documents but they did not consider the same and issued threats of demolishing the shops within few days. Being aggrieved by such impending action, the petitioners have filed this petition.

We have heard learned counsel and have perused material available on record. In support of their case, petitioners have submitted photo-state copies of Form-VII in respect of aforesaid land, which prima facie show that said land was initially in the name of their father and from him it was transferred to them. However, nothing has been placed on record in respect of corresponding entry No.136 to show as to how father of petitioners became owner of said land, whether it was a government land and granted to him or it was a private land which he had purchased. Further entry No 196 shows that it was kept on 03.10.2014, whereby land admeasuring 1.03 acres was transferred to petitioner No.2 namely Syed

Imran Ali Shah by his father, whereas entry No.375 which is in respect of land admeasuring 1.03 acres transferred by him to petitioner No.1 namely Syed Taj Muhammad Shah was kept on 08.01.2018 which is after four years of first entry.

It is a well settled proposition of law that entry records only mutation in the record and does not confer any title on a person in whose favour such record has been prepared. Petitioners have not produced any title document to show conveyance of ownership of said land to their father. Besides, nothing has been brought on record to show that respondents have initiated any action against the petitioners, as alleged in petition. Learned counsel has also not been able to properly satisfy us as to why petitioners have not approached the relevant civil court where all the above questions can be determined after evidence of the parties, to defend their case in the wake of alleged impending action against them.

This being the petition, in our view this petition is not maintainable, which is accordingly dismissed in limine alongwith listed application(s), leaving the petitioners to avail proper remedy, if advised.

JUDGE

JUDGE

Sajjad Ali Jessar