DATE	ORDER WITH SIGNATURE OF JUDGE

1. For orders on office objection
2. For hearing of main case.

21.08.2019.

Mr. Mazhar Hussain Kalwar, advocate for petitioner.
Mr. Muhammad Ismail Bhutto, Additional A.G. Sindh.
=

It is the case of the petitioner that by virtue of entry No.217 dated 15.4.1997 in record of right, he being owner of C.S No.92 (01-02) acres, Deh Gujjo Taluka Citiy Hyderabad, stood surety for accused Muhammad Amir in special case No.278/1997 before Sessions Judge, Hyderabad, such entry in record of right was recorded. Subsequently, on conclusion of trial he approached the learned Sessions Judge for deletion of such entry in record of right, a letter was wrote by the office of Sessions Judge, Hyderabad to revenue officials concerned for doing the needful, on that he was intimated by the revenue officials concerned that said entry of ownership (entry No.217) in respect of petitioner has been cancelled as such land is lying with the Government College Kali Mori Hyderabad. On coming to know of such fact the petitioner filed an application before learned Sessions Judge, Hyderabad for prosecution of the revenue officials responsible for cancellation of his entry in record of right. It was disposed of by learned Sessions Judge, Hyderabad vide his order dated 21.02.2018. It was in these circumstances, the petitioner has filed the instant petition before this

court with a direction to the respondents to cancel all the entries which has affected his right of ownership over C.S No.92 Hyderabad and to restore the original entry No.217 dated 15.04.1997 as it was. By making such prayer the petitioner has also sought for prosecution of the respondents for tempering with the official record.

It is contended by learned counsel for the petitioner that the petitioner was / is lawful owner of the land under question, his ownership entry in record of right was not subject to its cancellation as the very property was mortgaged with the court as token of surety. By contending so, he sought for declaration of the petitioner as owner of the property under question with restoration of his ownership entry in record of right with action against the revenue officials.

Learned A.A.G has sought for dismissal of the instant constitutional petition by contending that the entry which was existing in record of right in favour of the petitioner has been cancelled by revenue official in proper exercise of their jurisdiction as it was fake and bogus, the petitioner is no more owner of the land under question, if the petitioner has got any grievance against such action of the revenue officials then he could exhaust his remedy before revenue / civil court having jurisdiction in accordance with law.

We have considered the above arguments and perused the record.

It is an admitted fact that the entry in record of right which was existing in favour of the petitioner has since been cancelled by the revenue officials for the reason that the property is forming part of Government College Kali Mori Hyderabad. With cancellation of such entry in record of right, the right of ownership of the petitioner over the subject property obviously has come into end. If for the sake of arguments, it is believed that the petitioner has been denied his right of ownership by the revenue officials by their act, without lawful justification then he has to challenge such act of the revenue officials under Section 42 of the Specific Relief Act before the civil court having jurisdiction. Such determination of right obviously is calling for its adjudication on merits being issue of fact. In these circumstances, the entry in record of right in favour of the petitioner could not be ordered to be restored by this court in summary manner in exercise of its constitutional jurisdiction.

In view of the facts and reasons discussed above, the instant petition being misconceived is dismissed with no order as to costs.

JUDGE

JUDGE

Ahmed/Pa,