

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD
C.P.No.D-1930 of 2019

DATE	ORDER WITH SIGNATURE OF JUDGE
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1. For orders on office objection
2. For orders on MA-7547/19
3. For orders on MA-7548/19
4. For hearing of main case.

27.08.2019.

Mr. Naveed Ahmed Khan, advocate for petitioners.

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The petitioner by way of instant petition has sought for following relief;

- (i) Direct the Respondents to *demarcate* the above said subject land as mentioned in Para No.02 to 05 of this memo of Constitutional Petition and conduct "Chokri Survey of said land, so that petitioners may erect boundary wall and/or start internal development work on their land in question;
- (ii) Direct the respondents to act strictly within the due course of law and be restrained from harassing the petitioners in any manner of whatsoever nature;
- (iii) Direct the respondent No.06 to do not interfere into the established legitimate rights of business and life of petitioners and further direct them to act strictly within the due course of law relating to affairs of petitioners;
- (iv) Award the costs of this constitutional petition;
- (v) Grant any other relief or further relief which this Honourable court in prevailing circumstances of case deem fit and proper.

It is a case of the petitioners that they have purchased the landed property spreading over hundreds of acres in different Dehs of Taluka Thana Bola Khan as is detailed in their petition, from the different vendors through registered sale deed, for valuable consideration, whereupon the official respondents are avoiding to

conduct "Chokri Survey" and demarcation. It was in these circumstances the petitioners have filed instant constitutional petition before this court for the relief as is detailed above.

It is contended by learned counsel for petitioners that the petitioners being lawful purchaser of the landed property could not be denied right of demarcation which the official respondents are duty bound to undertake. By contending so, he sought for direction against the official respondents to do the needful.

We have considered the above arguments and perused the record.

The petitioners may be owners of the landed property in question on having purchased the same from different vendors through registered sale deed but there could be made no denial to the fact that the boundaries of the landed property which they have purchased is under dispute. By whom it is disputed? it is not made known by the petitioners. It is why the petitioners have come before this court for issuance of directions against the official respondents to conduct "Chowkri Survey" and demarcation of the landed property which they have purchased. The dispute with regard the "Chowkri Survey" and demarcation obviously is calling for its adjudication on merits being issue of fact and no factual controversy could be resolved by this court in exercise of its constitutional jurisdiction.

In view of the facts and reasons discussed above, the instant constitutional petition being misconceived is dismissed with no

order as to costs along with listed applications with an advise to the petitioners to approach Revenue / Civil Court having jurisdiction for redressal of their grievance in accordance with law.

JUDGE

JUDGE

Ahmed/Pa,