

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD**

C.P. No.D-2885 of 2017

---

DATE

ORDER WITH SIGNATURE OF JUDGE

---

**Before:**

**Mr. Justice Arshad Hussain Khan**

**Mr. Justice Irshad Ali Shah**

1. For orders on MA-721/2021.
2. For orders on office objections.
3. For orders on MA-11455/2017.
4. For hearing of main case.

**10.02.2021.**

Mr. Muhammad Ishtiaq Khan, advocate for petitioner.

Mr. Allah Bachayo Soomro, Additional A.G.

=

The petitioner by way of instant petition has mainly sought for direction from this Court against the official respondents to order on his application partition of the subject land and cancel the entries made in Revenue record in favour of the private respondents.

2. It is contended by learned counsel for the petitioner that the application of the petitioner for partition of the subject land and cancellation of Revenue record is pending adjudication before official respondents since long; therefore, they be directed to dispose of the same according to law.

3. Learned A.A.G has sought for dismissal of the instant petition by contending that it is incompetent.

4. We have considered the above arguments and perused the record.

5. As per pleading of the petitioner the subject land is occupied illegally by the private respondents. If, it is so, then the petitioner

being out of possession of the subject land could hardly claim its partition with cancellation of the entries through the official respondents for the reason that the controversy requires its adjudication on the basis of evidence. In that situation, the only course available with the petitioner would be to file a Civil suit for cancellation of entries in Revenue record, partition of the subject land with separate possession and Mesne profit. The direction sought for by the petitioner against the official respondents would serve no purpose. Consequently, the instant petition being misconceived is dismissed along with pending applications.

**JUDGE**

**JUDGE**

*Ahmed/Pa,*