

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD
C.P.No.D-3017 of 2018

DATE	ORDER WITH SIGNATURE OF JUDGE
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1. For orders on office objection
2. For hearing of MA-13104/18
3. For hearing of main case.

23.09.2019.

Mr. Junaid Hayat Laghari, advocate for petitioners.

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It is the case of the petitioners that they are owners of survey No.654 Deh Katal Taluka Tando Bhago District Badin, which was acquired by the Government in year 1988 for construction of 'Simnala', the compensation whereof was not paid to them for the reasons that their title on above said survey number was not perfect. Which has been made perfect in year 2002. Thereafter they applied for its compensation. It was declined by Deputy Commissioner Badin vide order / Rubkari dated 18.09.2008. It was in these circumstances the petitioners have maintained the instant constitutional petition before this Court mainly for compensation of the above said survey number.

2. Learned counsel for the petitioner was called upon to satisfy the Court about maintainability of instant constitutional petition. In response to above, it was contended by him that the petition is very much maintainable before this Court as the petitioners are being denied their legitimate right of compensation without lawful justification.

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

4. The above said survey number was acquired in year 1988 for construction of 'Simnala'. The petitioners were not paid the

compensation whereof timely by the authorities concerned for the reason that their title over the above said survey number was not perfect, such title according learned counsel for petitioners was made perfect in year 2002 and then they applied for its compensation which was denied by Deputy Commissioner Badin. As per order / rubkari dated 18.09.2018, the above said survey number was utilized by the Government for construction of 'Simnala' as Government property. If it was so, then how the petitioners acquired the title over it in year 2002, after 14 years of its use by the Government is shrouded under mystery. Be that as it may, the controversy involved being factual even otherwise could not be resolved by this Court, in exercise of its constitutional jurisdiction. Consequently, instant petition is dismissed in limine.

JUDGE

JUDGE

Ahmed/Pa,