

made another application to respondent Np.7 (**S.S.P., District Sujawal**) for protection against the private respondents No.9 to 11 but as no action was taken on his said applications, he moved another application on 30.12.2016 to respondent No.3 (**Deputy Commissioner, Sujawal**) which was forwarded by him to respondent No.4 (**Assistant Commissioner, Shah Bandar**) who issued notices to private respondents No.9 to 11 to appear before him on 05.01.2017 alongwith original record but they failed to do so, and lastly, he moved an application on 28.02.2017 to respondent No.3 but in vain. Hence, he has maintained this petition.

3. On 03.12.2019, Land Record Officer, Hyderabad filed a report on behalf of respondent No.6 (**Director, Settlement Surveyor & Land Records, Hyderabad**) showing that in Block No. 139, an area of 0-24 *Ghuntas* is shown under *Masaan*, and this Court while observing that the petitioner had already filed an application with the respondent No.6 for conducting a survey of the disputed land, directed to said respondent to conduct a survey of the disputed land and submit a report. Thereafter, on 04.02.2020, the Land Record Officer of the respondent No.6 informed this Court that the demarcation of the disputed land was scheduled to be held on 10.02.2020. Then, on 05.03.2020, the respondent No.6 filed his report stating therein that despite fixation of two dates, the demarcation of disputed land could not be completed due to non-availability of the "Ameen" of the petitioner; hence, this Court directed to respondent No.6 to carry out the demarcation of disputed land on 09.03.2020 at 11:30 a.m. On 02.11.2020, the learned Assistant Advocate General filed demarcation report, dated 09.03.2020, alongwith enclosures including a sketch showing the location of the Shewalo Mandar, Masaan and houses of private respondents.

4. It reflects from the perusal of the demarcation report that, on 09.03.2020, the Mukhtiarkar, Revenue Authorities and Survey Staff reached the subject land while the petitioner was not available despite service of the notice; his son Raja was asked to call him who disclosed that he was not available in house. The private respondents were present at the spot. The said officials checked the disputed land and found that the Masaan is located at the distance of 261 feet from the site of private respondents, who are residing there since their forefathers. It also reflects from the said report that Shewalo Mandar is also situated in the said village comprising an area of 4000 sq. feet.

5. As per earlier report of respondent No.3, dated 16.01.2019, the record of rights regarding entry of Shewalo Mandar over an area of 4000 sq. fts. is silent. On the Western side of the said Mandar, house of Uris Sheedi exists which is on a *sikni* plot bearing No. 75/1B, admeasuring 1680 sq. fts. and the same is duly entered in the record of rights. While on the Eastern side along with wall of the said Mandar, house and shops of Abdul Satter (*respondent No. 9*) are constructed but the same are not entered in the record.

6. As per the petitioner's claims, the private respondents have occupied the land of the Shewalo Mandar. The private respondents are having land in their possession in the Eastern side of the Mandar. As stated above, neither the Mandar and its land nor the houses and shops of private respondents are entered in record of rights. Even, the petitioner has not filed any document or record showing the exact area of the said Mandar in order to determine if the respondent No.9 has encroached upon any part thereof. So far the land of Masaan, admeasuring 0.24 *Ghuntas*, is concerned, there is nothing on record suggesting that any part thereof has been encroached upon by any person.

7. In view of above, we dispose of this petition by directing to petitioner to approach the respondent No.5 by moving proper application for the mutation of Shewalo Mandar in record of rights as per demarcation/measurement report dated 09.03.2020 and sketch annexed therewith, who shall entertain and decide the application in accordance with law. Since there are streets in the Northern and the Southern sides of the said Mandar and the shops of private respondent(s) are located with the wall of said Mandar, we deem it appropriate to pass an order that no door of the shop shall be opened on the Northern and the Southern sides of the said Mandar and no person shall be allowed to install any cabin in the said streets causing inconvenience to worshippers. The petitioner is also directed to ensure that the land of the said Mandar and/or any part thereof shall not be used for any commercial activity.

The petition stands disposed of alongwith pending applications with above observations.

JUDGE

JUDGE

Abrar