

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

C. P. No. D – 1635 of 2021

Ghulam Qasim through his legal heirs.....Petitioners

Versus

The Province of Sindh and others.....Respondents

Fresh Case

1. For orders on CMA 8383/2021
2. For orders on office objection
3. For orders on CMA 7918/2021.
4. For hearing of main case.

Before:

Mr. Justice Muhammad Junaid Ghaffar

Mr. Justice Zulfiqar Ali Sangi

Date of Hearing: **14-12-2021**

Date of Decision: **14-12-2021**

Mr. Sheeraz Fazal, Advocate for the Petitioners.

ORDER

Muhammad Junaid Ghaffar, J. – 1. Granted.

2 to 4. Through this Petition, the Petitioners have sought the following prayer:

“(a) That this Honorable Court may graciously be pleased to issue write in favor of Petitioner declaring thereby the acts of Respondents of withholding the compensation amount of the acquired lands as illegal, null & void & without any lawful authority.

(b). To direct the Respondents to release the compensation amount against the acquisition of lands viz. survey numbers 25 & 26 of Deh Tando Nazar Ali Taluka Khairpur in favor of the legal heirs of Late Ghulam Qadir Phulpoto along with the interest as admissible under the law”.

On 16.11.2021, Counsel for the Petitioners was directed to place on record the order passed by the Additional Commissioner, whereby the land grant was revoked. Today, he has placed the same on record through statement.

We have heard the Petitioners' Counsel, who submits vide order dated 22.11.1999, the land of the petitioner was cancelled, which was then set aside in Appeal by the Member, Board of Revenue, in 2017 and therefore, the Petitioners are entitled for the compensation of land, which stood acquired by the Government.

After perusal of record, we are not satisfied with the contention of the Petitioners' Counsel and it appears to us that the instant Petition is not maintainable on two grounds. Firstly, laches is involved inasmuch as the land was acquired in the year 2010, and notwithstanding, that the land was purportedly restored in 2017, this Petition has been filed in the year 2021. There is no explanation as to why Petitioners kept waiting for such a long period. Again, notwithstanding as per Petitioners' own case, land was restored purportedly by the orders of the Member, Board of Revenue in the year 2017 then again this Petition is also delayed and has been filed in the year 2021. Secondly, even on merits, it is an admitted position that when the land was acquired it was never in the name of the Petitioners and was cancelled; whereas Petitioners after lapse of more than 17-years, as per their own case, filed Appeal which purportedly stood allowed. What is the justification for such delayed Appeal has gone unexplained; whereas, even the order of the Member, Board of Revenue, Sindh, has not dilated upon the consequences of such an inordinate delay in filing of the Appeal. Moreover, the order, even otherwise, does not appear to be based on any sound reasoning, as admittedly the land was granted to the Petitioners by the Chief Minister, Sindh by relaxing the rules, which in law he could not have done it otherwise. On this ground, also this Petition appears to be misconceived.

In view of hereinabove facts and circumstances of this case, instant Petition does not appear to be maintainable and is also without any merit. Hence, this Petition stands dismissed in limine with pending applications.

J U D G E

J U D G E

Ahmad