ORDER SHEET IN THE HIGH COURT OF SINDH, KARACHI C.P. No.D-5574 of 2019

Date

Order with Signature(s) of Judge(s)

Direction:

- 1.For order on Misc. No.15495/2020.
- 2. For orders as to maintainability of petition.

15.12.2021

Mr. Muhammad Ibrahim Soomro, Advocate for petitioner.

Mr. Miran Muhammad Shah, Addl. A.G.

Through instant petition, petitioner, inter alia, seeks directions to respondent No.1 (Government of Sindh through Secretary Land Utilization Department Board of Revenue, Sindh at Karachi) to cancel the fake entry of respondent No.9 (Khuda Bux Baloch) in record of rights.

It is alleged by the learned counsel for the petitioner that petitioner-company purchased a commercial land measuring 30 ghuntas (3630 Sq. Yds.) situated at Deh Dozzan/Songal, Tappo Gujro, in Sector No.22, Sub-Division Gulzar-e-Hijri, KDA Scheme No.33, Karachi East, from one Khurram Alam through Sale Deed dated 21.6.2018 under No.3442 registered before Sub-Registrar Gulshan-e-Iqbal Town-II, Karachi. It is further alleged that the petitioner after getting requisite permission from respondent No.6 (Mukhtiarkar, Gulzar-e-Hijri) laid down construction material for raising boundary wall around the subject land; however, the private respondent No.9 interfered and did not let petitioner to start construction of boundary wall around the subject land. It is also alleged that respondent No.8 (SHO P.S. Mubina Town, Karachi) got the documents of both parties and verified from respondent No.6 who vide letters dated 07.03.2018 and 12.03.2018 ascertaining that

the land in question belongs to Mst. Hajani Sharifan W/o Abdul Ghaffar, the previous owner of the land. Subsequently, respondent No.4 referred the matter to respondent No.1 for the cancellation of fake exchange entries of 7-5 ½ acres of land with malafide intention. Hence, this petition.

It appears that instant petition bears factual controversy between petitioner and private respondent No.9 in respect of immovable property, the record thereof is maintained by the revenue authority. Such controversy with regard to title of the land and entry in the record of rights can only be adjudicated after recording pro and contra evidence of the parties. Petitioner for the redressal of its grievances with regard to entry in the record of rights has adequate remedy under the revenue hierarchy. Hence, this petition being not maintainable in law is dismissed, accordingly, alongwith pending applications.

JUDGE

JUDGE

Abrar