ORDER SHEET IN THE HIGH COURT OF SINDH, KARACHI

C.P. No.D-6423 of 2021

Date

Order with Signature(s) of Judge(s)

For hearing of main case.

02.12.2021

Mr. Nabeel Kolachi, Advocate for Petitioner.

Mr. Mehran Khan, Assistant Advocate General Sindh a/w Shahzad Fazal Abbasi- Director Anti-Corruption Establishment Sindh, Karachi.

Mr. Ghulam Shabbir Sheikh, Law Officer of Board of Revenue a/w Wali Muhammad Shaikh-Sub-Registrar Jamshed Town-II, Karachi.

Through instant petition, the petitioner seeks declaration that the inaction in handing over the Sale Deed, dated 12.12.2017, on the part of respondents is illegal and unconstitutional. The petitioner also seeks direction to respondents to handover the said original registered Sale Deed to her.

2. It is alleged that the petitioner purchased residential Plot bearing Survey No.2/296 (Old Survey No.2/5), admeasuring 325 Sq. Yds., situated at Thattai Colony, Jamshed Quarters, M.A. Jinnah Road, Karachi from the proforma respondent after performing all the requisite formalities by way of Sale Deed and, thereafter, the plaintiff and proforma respondent approached to the office of respondent No.4 (Sub-Registrar, Jamshed Town-II, Karachi), on 12.12.2017, for getting the original Sale Deed registered in favour of the petitioner and deposited the original Sale Deed with the respondent No.4, who issued retrieval receipt bearing No. 047, Serial No. 2497, dated 12.12.2017. Thereafter, the petitioner time and again approached to respondent No.4 for the return of Sale Deed duly registered but, on one pretext or the other, the said respondent did not return the same. The petitioner

then approached to respondent No.3 (District Registrar, Karachi) by way of letter, dated 15.04.2019, requesting him for handing over the registered Dale Deed. In response thereof, the respondent No.3 wrote a letter, dated 23.04.2019, to respondent No.4; but due to inability of the respondent No.3 and 4 to respond to the issue, the petitioner addressed another letter, dated 09.09.2020, to respondent No.2 (Board of Revenue, through Inspector General of Registration, Sindh, Karachi) and to (i) The Senior Member, Board of Revenue, Sindh, Karachi, (ii) The Member (RS&EP), Board of Revenue, Sindh Karachi, which was/were duly received by them and since the respondents/officials blatantly failed to act in accordance with law, the instant petition has been maintained.

- 3. Upon service of the notice, on 16.11.2021, Mr. Wali Muhammad Shaikh, Sub Registrar, Jamshed Town-II, Karachi/respondent No.4, appeared before the Court and disclosed that the Sale Deed of the petitioner was misplaced in his office. On query, he admitted that he did not intimate the petitioner about misplacing of her Sale Deed. The matter was adjourned to 24.11.2021 for filing written response by the respondent No.4 with direction to office to issue notice to Director Anti-Corruption (Provincial).
- 4. On 24.11.2021, Mr. Wali Muhammad Shaikh filed his written response wherein he admitted that the petitioner by way of her letter, dated 15.04.2019, approached to respondent No.3 with the request for handing over the original Sale Deed and stated that after hectic efforts, he traced out the same. He however did not mention as to where and in whose possession the original Sale Deed was lying for about four years in his office. The Court then directed him to furnish the names of Sub-Registrars, who remained posted from 12.12.2017 till date. On 29.11.2021, he submitted an affidavit disclosing that during

intervening period following officials remained posted as Sub-Registrars, Jamshed Town-II, Karachi:-

Sr.#	Names of Sub-Registrars,	Period of Posting
	Jamshed Town-II, Karachi	
01.	Zulfiqar Ali Kariro	11.5.2016-15.12.2017
02.	Shams-uddin Dharejo	15.12.2017-23.5.2019
03.	Aftab Ali Lund	23.5.2019-10.6.2019
04.	Shams-uddin Dharejo	10.6.2019-11.7.2019
05.	Shatur-Ghan Chawla	15.7.2019-12.2.2020
06.	Noor Muhammad Jesar	13.2.2020-6.3.2020
07.	Jam Abdul Razzaq Dahar	10.3.2020-28.1.2021
08.	Wali Muhammad Shaikh	28.1.2021-up-todate

He has also reiterated in his affidavit that after coming into knowledge the misplacement of the Sale Deed in question, all due efforts were taken and the same was traced out, which has been handover to the petitioner. Since none was present on behalf of the petitioner on 29.11.2021, the matter was adjourned for today.

- **5.** Today, Mr. Wali Muhammad Shaikh files a photocopy of the Sale Deed. Learned counsel for the petitioner contends that the petitioner has received the original registered Sale Deed.
- 6. We have observed in this matter that the alleged Sale Deed remained missing in the office of the respondent No.4 since 12.12.2017 and same has been traced out after passing of about four years; during intervening period eight officials named-above held the office of respondent No.4; however, despite petitioner's repeated requests through letters, they failed to return the Sale Deed to her duly registered in accordance with law, which speak volumes about

what was going on in the office of respondent No.4 when the aforementioned eight officers were holding it.

- 7. We; therefore, while disposing of this petition refer the matter to Director, Anti-Corruption Establishment Sindh, Karachi to hold an inquiry into the matter and in case there appears any criminal misconduct on the part of any of the aforementioned eight officials of the respondent No.4, the cognizance in accordance with law be taken against him/them. Such compliance report must be submitted in the Court through M.I.T-II by the Director, ACE, Sindh, Karachi within four weeks from the date of receiving copy of this order.
- **8.** Office is directed to supply copy of this order to Director, ACE, Sindh, Karachi for compliance.

JUDGE

JUDGE

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