

ORDER SHEET
**HIGH COURT OF SINDH CIRCUIT COURT,
HYDERABAD**

C.P. No.D-1721 of 2021
[Ghulam Qadir Otho versus Province of Sindh]

Before:-

Mr. Justice Nadeem Akhtar

Mr. Justice Adnan-ul-Karim Memon

Mr. Hameedullah Dhari, advocate for petitioner

Date of hearing & Order: 17.11.2021

ORDER

ADNAN-UL-KARIM MEMON, J. - Through this petition, the petitioner is seeking direction to the respondents to give effect to the letter dated 29.07.2021 addressed to Senior Member Board of Revenue, at Hyderabad for demarcation of the land i.e. Revenue entry No.72 dated 16.11.1960 and mutate in the record of rights in his favor, *inter-alia* on the ground that the subject land was allotted to his deceased forefather, for cultivation purposes, however, the Forest department in connivance with Revenue department is bent upon to cancel the said Revenue entry, based on political interventions. Learned counsel emphasized that the petitioner is owner of subject agricultural lands and is in possession since forefathers, and the Forest Department in violation of order dated 21.1.1987 passed by the Deputy Commissioner Nawabshah attempted to encroach upon the lands of the petitioner; however, he tried to convince them with a request to demarcate his lands but nothing could be done compelling him to approach this court.

2. The question that needs determination, in this case, is as to whether the property in dispute is protected forest or private property owned by the petitioner.

3. The answer to this question cannot be given at this stage because Sindh Chief Conservator of forests had informed the Honorable Supreme Court, that out of 2.8 million acres of forest land in the province of Sindh, 50,000 acres stood encroached upon. In this regard, Honorable Supreme Court of Pakistan issued clear directions to forest departments in CP No.19/2018 (Eco Watch Trust through its Chairman Muhammad Imran Haider Vs Federation of Pakistan &

others) and CP No. 52/2018 (Qazi Ali Athar & others V/s Province of Sindh & others) to demarcate forest areas by Survey of Pakistan. Resultantly an area of 15,962.28 acres in Afforestation Division Shaheed Benazirabad has already been surveyed, demarcated, boundary pillars fixed and maps digitized by the Survey of Pakistan.

4. In view of the above, this petition being not maintainable is dismissed in limine; however, the petitioner is at liberty to approach the Honorable Supreme Court, if he is at all aggrieved by the decision of the Forest/ revenue department.

JUDGE

JUDGE

Sajjad Ali Jessar