

ORDER SHEET

THE HIGH COURT OF SINDH AT KARACHI

C.P. No.D-6344 of 2020

Date

Order with Signature(s) of Judge(s)

Present

Mr. Justice Muhammad Ali Mazhar.

Mr. Justice Amjad Ali Sahito.

Qurban Ali Qureshi Petitioner

Versus

Province of Sindh

Karachi and others Respondents

11.03.2021

Petitioner present in person.

Syed Aijaz Rasool present in person.

Mr. Shaharyar Mehar, Assistant Advocate General

Syed Rasool Bux Shah, Director, School Education,
Hyderabad

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Muhammad Ali Mazhar, J. The petitioner has approached this court for the implementation of notification dated 31.12.2011 whereby Secretary, Education and Literacy Department, Government of Sindh with the approval of competent authority renamed Government Girls Middle School Phaka, District Dadu as Abdul Aziz Qureshi Government Girls Middle School, Phaka, District Dadu.

Today Syed Aijaz Rasool is present and claims that the school has been constructed on the land owned by his grandfather and not by the petitioner and his father, whereas, the Director School Education, Hyderabad has also appeared and he has submitted the comments in which he stated the same thing and attached a copy of letter dated 07.03.2012 to show that request has been made for renewing the notification for renaming GGMS Phaka District Dadu. At this

junction, the petitioner has pointed out that the person, who is claiming the land of his grandfather is son of Director School Education present in court who also admits this position and submits that the land was owned by his father, however, he referred to a notification dated 29.11.2017 whereby the Chief Secretary has constituted a committee in pursuance of order passed by this Court, Circuit Bench, Hyderabad in C.P. No.D-1817 of 2016 whereby Divisional Committee was directed to examine the cases of land donated for the schools/educational institutions which is headed by Commissioner concerned as Chairman and Deputy Commissioner concerned as Member, however, the Director School Education is also one of the Members in this Committee.

Learned A.A.G. submits that the matter may be referred to the Commissioner, Hyderabad to place it before the Committee and decide the same where both parties may also produce their title documents to decide that who was the actual owner of land on which the school was constructed. At present, the Director School Education as well as his son both are interested parties in this matter. We agreed to the proposal given by learned A.A.G. that the matter may be referred to the Committee for which the petitioner has also agreed. Let this matter be decided by Divisional Committee headed by the Commissioner, Hyderabad in which Deputy Commissioner, District Dadu is also member but present Director School Education, Hyderabad should not be a Member of that committee for this specific case. However, as a party he may produce the documents of land, if any, owned

by his father or the grandfather of Syed Aijaz Rasool. The Commissioner, Hyderabad shall decide the matter within one (01) month after providing ample opportunity of hearing to the parties. The petition is disposed of accordingly.

Copy of this order shall be transmitted to the Commissioner, Hyderabad, Deputy Commissioner, District Dadu and learned Assistant Advocate General, Sindh.

JUDGE

JUDGE

Kamran/PA