

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

C.P. No.D-284 of 2021

DATE

ORDER WITH SIGNATURE OF JUDGE

1. For orders on office objection
2. For hearing of M.A. No. 1511/2021
3. For hearing of main case

16.03.2021

Mr. Ahsan Gul Dahri advocate for petitioner.

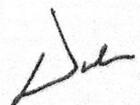
Mr. Allah Bachayo Soomro, A.A.G. along with Mumtaz Ali Talpur, Mukhtiarkar Taluka Qazi Ahmed.

It is stated by learned A.A.G. that the office of respondent No.2 / Assistant Commissioner Taluka Qazi Ahmed is lying vacant since 22.02.2021 when he was transferred from the said post vide Notification dated 22.02.2021, copy whereof has been placed by him on record. He requests that in view of the above, bailable warrants issued against respondent No.2 be discharged. Order accordingly.

Respondent No.3 Mukhtiarkar (Revenue) Taluka Qazi Ahmed, District Shaheed Benazirabad, Mumtaz Ali Talpur is present in person along with his comments dated 15.03.2021, which are taken on record. In paragraph 5 of his above comments, he has stated that there is an entry bearing No.248 dated 24.07.2000 in the name of the present petitioner in respect of the subject land and that the said entry is still intact. He as well as learned A.A.G. state that the subject land has been earmarked as an amenity plot, therefore, possession of the petitioner in respect thereof is illegal. They have not submitted any document in support of their above contention. They, however, state that action will be taken for cancellation of the entry in the petitioner's name so that the land can be used for amenity purposes.

In view of the above, learned counsel for the petitioner, learned A.A.G. and the above named Mukhtiarkar have consented to the passing of the following order :

1. In case the subject land has been declared as an amenity plot / land by the competent authority in accordance with law prior to its transfer / mutation in the petitioner's name, the respondents may initiate proper proceedings, if they so desire, for cancellation of



the entry in respect of the subject land in the name of the petitioner, strictly in accordance with law, after notice to him and after providing opportunity of hearing to him.

2. In the event mentioned in paragraph 1 above, the petitioner will be entitled to defend his right, title and interests, if any, in respect of the subject land strictly in accordance with law.
3. Till the matter of cancellation of the petitioner's entry and declaring the subject land as an amenity land is finalized in accordance with law, the possession of the petitioner in respect thereof shall not be disturbed in any manner.

By consent, the petition and listed application stand disposed of in the above terms with no order as to costs.


JUDGE


JUDGE