

Order Sheet
IN THE HIGH COURT OF SINDH KARACHI
J. C. M. No. 60 of 1991

Date	Order with signature of Judge
------	-------------------------------

1. For orders on C.M.A. No.02/2017 (U/S 151 CPC) :
2. For orders on O/A's Reference No.01/2017 :

23.01.2017 : Mr. Khan Perwaiz Chang, Official Assignee.
Mr. Arif Shaikh, Advocate for the applicant.

.....

The applicant claims to be the nominee of the auction purchaser who purchased Plot Khasra No.30/2, Mouza Pirkas, Tehsil Hub, District Lasbella, Balochistan, measuring about one acre ('the plot'), in these proceedings. According to the applicant, physical inspection and demarcation of the plot was not carried out by the Official Assignee at the time of handing over possession thereof to the applicant, and due to this reason, the revenue authorities are unable to demarcate the plot. Through the listed application, the applicant has prayed that the Official Assignee be directed to make necessary arrangements / issue instructions to the revenue authorities concerned for demarcation of the plot. The listed reference has been filed by the learned Official Assignee in compliance of the order passed by this Court on 05.01.2017. In his said reference, he has stated that possession of the plot was taken over by him on 23.12.1996 in compliance of the order passed in these proceedings on 25.08.1996 ; sealed bids were invited for the sale of the assets of Farmaish Industries Ltd. (then under liquidation) ; highest bid submitted by the auction purchaser was accepted by this Court vide order dated 28.02.2001 ; and, upon deposit of the entire sale consideration with him by the present applicant, as the nominee of the auction purchaser, possession of the assets was handed over by him to the applicant and sale certificate was also issued by him in favour of the applicant. The learned Official Assignee has also stated that all the requisite formalities were completed by him for completion of the sale in favour of the applicant and as such nothing remains to be done by him. He points out that the applicant has filed this application after sixteen years of completion of the sale.

Perusal of the application and the affidavit filed in support thereof shows that it is an admitted position that the sale of the plot was confirmed by this Court in favour of the auction purchaser whereafter sale certificate was issued and possession of the plot was handed over to the applicant by the Official Assignee. It is also admitted that after completion of all the above formalities, the plot was transferred in the name of the applicant. In view of this admitted

position, the contention of the learned Official Assignee appears to be correct. It may be noted that possession of the plot was taken over by the applicant from the Official Assignee without any objection. It may also be noted that no document has been filed by the applicant to show that any application for demarcation of the plot was made to the relevant authority, which has been refused or rejected by such authority. The applicant, being the lawful owner of the plot, is entitled to hold and enjoy the same in accordance with law, and if any of its rights have been or are being denied by any person or authority, including the right to claim demarcation of the plot, the applicant may approach the appropriate forum for redressal of its grievance in accordance with law.

In view of the above, the listed reference stands disposed of and the listed application is dismissed with no order as to costs.

J U D G E