

ORDER SHEET

IN THE HIGH COURT OF SINDH, CIRCUIT COURT,  
HYDERABAD.

C.P. No. D — 2631 of 2015.

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DATE	ORDER WITH SIGNATURE OF JUDGE[s]
<u>13.04.2022.</u>	<u>DISPOSED OF MATTER.</u>

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FOR ORDERS ON M.A. 878/2020.  
FOR HEARING OF M.A. 1571/2017.  
FOR HEARING OF M.A. 4355/2017.  
FOR ORDERS AS TO NON-PROSECUTION OF M.A. 8945/2021.

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Mr. Muhammad Sachal Awan Advocate for the petitioner.  
Mr. Allah Bachayo Soomro Additional A.G. Sindh.

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This petition was filed in relation to a land where in view of Mr. Sachal Awan submitted is occupied by a club called Gymkhana. Petition was disposed of vide order dated 23.11.2016 as under:-

*“Under these circumstances, instant petition is disposed of with direction to Assistant Commissioner and Mukhtiarkar (City Surveyor) concerned to demarcate the properties of the petitioner with due notice to all necessary parties and in case there is no title dispute, possession of the same shall also be handed over to the petitioner, as well they are required to issue copy of title documents of the properties pertains to petitioner. Needless to mention, that in case any civil suit is pending before any competent court with regard to aforementioned properties this order shall not be considered as in field.*

*Listed application is also disposed of.”*

Under the orders, demarcation process was carried out by Mukhtiarkar as well as by the Assistant Commissioner. The report of the Assistant Commissioner provides that the subject plot has fallen in survey No.380 instead of 232 which is not accepted by petitioner’s counsel. The report disclosed that there is perhaps a dispute of location and identity of the land in question. If that is the case then perhaps the petitioner is required to seek a declaration of the title of the land in question and that could only be possible from a court of competent jurisdiction as such civil court wherefrom the petitioner can also

claim possession. In these proceedings, in view of the above dispute perhaps a futile attempt of demarcation of the property is being made and would take the petitioner nowhere.

We therefore, deemed it appropriate to take the reports of the Mukhtiarkar and Assistant Commissioner on record and disposed of the pending applications leaving the petitioner at liberty to approach the civil court for the redressal of her grievances such as declaration possession and identity of the survey number of the plot in question. In case such proceedings are initiated the civil court shall sympathetically consider the limitation on account of litigation as substantial time has been consumed in this litigation.

**JUDGE**

**JUDGE**

A.