

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

C.P. No.D-317 of 2011
C.P. No.D-688 of 2011

DATE	ORDER WITH SIGNATURE OF JUDGE (S)
<u>18.01.2022</u>	

Mr. Parkash Kumar, Advocate for the petitioners in C.P. No.D-317 of 2011.

Mr. Aayatullah Khuwaja, Advocate for the applicants/interveners in C.P.No.D-317 of 2011 and for the petitioners in C.P. No.D-688 of 2011.

Mr. Ali Gohar Baloch, Advocate for the respondents No.4 and 6.

Mr. Rafique Ahmed Dahri, Assistant Advocate General, Sindh along-with Israr Majeedano, Mukhtiarkar Chambar.

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Heard learned counsel for the respective parties.

Precisely relevant facts are that subject matter agriculture lands entered in the record of rights pursuant to Martial Law Regulation Ordinance in favour of Pak Arabian Cooperative Bank Limited Karachi, thereafter bank transferred the same by way of sale agreement and sale deeds in favour of petitioners, possession was already handed over to them; they remained in possession and after three decades respondents' filed application with the Board of Revenue under section 164 of Sindh Land Revenue Act, 1967 and by impugned order dated 13.12.2010, Senior Member Board of Revenue while calling report from concerned officials and *lis* was decided in absence of petitioners in C.P. No.D-688 of 2011. It has also come on record that entries were recorded on the basis of power of attorney and sale deeds. Whereas opinion of Senior Member Board of Revenue is that entries were recorded on the basis of fake power of attorney(s), that was the case of the respondents. Counsel for the respondents while referring section 7 of Sindh Board of Revenue Act, 1967 contends that petitioners have failed to file revision as well review available with the same Authority.

In contra, learned counsel for the petitioners contends that this is a writ of prohibition and they have relied upon 2004 SCMR 1530 on the proposition that registered sale deed or any document cannot be cancelled by the revenue authorities.

It is pertinent to mention that entries in revenue record are not proof of any legal character. Reliance is placed on **PLJ 2003 Pehsawar 161**, hence entries based on registered sale deed, cannot be cancelled until declaration with regard to registered sale deed is sought for accordingly, we feel it appropriate to set-aside the impugned order dated 13.12.2010 with directions to the parties that they shall approach Civil Court for redressal of their grievances, however; respective parties would not be competent to alienate the subject matter lands, until adjudicated by the Civil Court. At this juncture, learned counsel for the petitioners contends that pursuance to Member Board of Revenue's order Mukhtiarkar has recorded entry at that time on 09.08.2021, whereas; this Court passed stay orders on 24.02.2011 & 02.02.2012 that is in violation of the orders of this Court. Accordingly, in both petitions entries shall be reverted back by the Mukhtiarkar, who is present, to its original position, within one month and submit such compliance report without fail. Both the petitions stand disposed off.

JUDGE

JUDGE