

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

C.P. No.D-737 of 2009.

DATE	ORDER WITH SIGNATURE OF JUDGE
	For orders on office objections. For hearing of M.A. No.3260/2009. For orders on non-prosecution of M.A. No.9690/2012. For orders on M.A. No.669/2018. For orders on M.A. No.670/2018. For hearing of main case.

26-11-2020

M/s. Parkash Kumar and Najaf-ud-Din advocates for petitioners.
Mr. Allah Bachayo Soomro, Additional Advocate General Sindh.
Mr. Muhammad Arshad S. Pathan advocate for intervener.

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The primary question arising out after hearing the parties is that an impugned order dated 18.05.2009 was passed without hearing the petitioners. In the present case the petitioners are University of Sindh and Mehran University of Engineering and Technology and this petition is filed through its Registrars. Precious land of the Universities was dealt with by an order of an executive without hearing the petitioners and precious land arising out of the allotted land of 5000 acres approximately was considered to be in the possession of private individuals. Mr. Allah Bachayo Soomro, Additional Advocate General, when confronted with his parasie comments, has not been able to answer satisfactorily that the petitioners were condemned un-heard. In his para-wise comments in reply to para 6 (ii) there is no specific denial of this question of petitioners being condemned un-heard. Hence, at the very outset we are of view that the valuable rights of the petitioners arising out of such allotment should not have been decided without hearing the petitioners and that too of University of Sindh and Mehran University of Engineering & Technology. Irrespective of the alleged rights of an individual over a part of subject land we, therefore, deem it appropriate to allow this petition by setting-aside the impugned order dated 18.05.2009 which may be an executive order and the authority concerned shall issue notices to all concerned before passing an appropriate order in accordance

with law. The question of jurisdiction shall also be dealt with by the Director of Settlement Survey & Land Records Hyderabad as it has been raised by the parties in attendance. In view of the above and in view of evasive reply of respondent No.2 in respect of para 6 (ii) the petition is allowed in the above terms.

Application under Order 1 Rule 10 CPC filed by individuals is also being decided as apparently in view of the question arising out of this petition, the applicants/ interveners are neither necessary nor proper party, however, the authority concerned if deem it appropriate may issue notice, in case it so advised.

JUDGE

JUDGE

Irfan Ali