

ORDER SHEET
IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR
C.P. No. D- 1518 of 2022

Date of hearing	Order with signature of Judge.
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Fresh Case

- 1.For orders on CMA 6028/22
- 2.For orders on office objections.
- 3.For orders on CMA 6029/22
- 4.For orders on CMA 6030/22
- 5.For hearing of main case

30-11-2022

Mr. Sikandar Ali Junejo, Advocate for the petitioners.

1. Urgency is granted.
2. Instant petition has been preferred by the legal heirs of deceased petitioners. Since the legal heirs have impugned in this petition letters 17.11.2022 and 18.11.2022, issued by the respondents No.6 & 3 respectively and no issue of title of their predecessors is involved in this petition, learned counsel for the petitioners is directed to file amended title by deleting the names of predecessors of the legal heirs as petitioners in this petition within three days hereof. Rest of the office objections are deferred for the time being.
3. Exemption is granted subject to all just legal exceptions.
- 4&5. Through instant petition, the petitioners have impugned letter dated 17.11.2022, whereby respondent No.6 (S.S.P., Khairpur) addressing to respondent No.3 (D.C., Khairpur) has sought directions to respondent No.5 (The Taluka Mukhtiarkar (Revenue), Sobhodero) to survey the complete area of Deh Noorpur Katcho and intimate the real ownership along with possession of the land so that the matter may be resolved amicably in order to prevent further clash between the parties, and letter dated 18.11.2022, whereby respondent No.3 has

directed to respondent No.5 to go through the contents of letter of respondent No.6, dated 17.11.2022, and conduct survey of the aforementioned Deh.

Learned counsel for the petitioners while inviting attention of this Court towards Annexure-H at pages-91 to 97 contends that private appellants have already maintained Appeal under Section 161 of the Land Revenue Act, 1967 against the petitioners and others in respect of subject agricultural land, which is pending adjudication before the Assistant Commissioner (Revenue), Sobhodero since 27.07.2020 and the same has not yet been decided despite the fact that arguments of the parties have been heard by the said Assistant Commissioner thrice. It is further stated that in fact respondents No.6&3 by issuing impugned letters have made an attempt to deprive the petitioners from their legal rights in landed property by abusing and misusing their offices and authorities. However, appropriate forum to decide the dispute under revenue hierarchy initially is Assistant Commissioner (Revenue), Sobhodero who has already taken the cognizance of the matter by entertaining aforementioned Revenue Appeal filed by the private persons against the petitioners.

Points raised by learned counsel for the petitioners require consideration. Let notices be issued to the respondents as well as AAG for **15.12.2022**. Meanwhile, operation of impugned letters 17.11.2022 and 18.11.2022, issued by the respondents No.6 & 3 respectively shall remain suspended.

JUDGE

JUDGE

Ahmad