

ORDER SHEET**IN THE HIGH COURT OF SINDH BENCH AT SUKKUR****C. P. No. D – 1468 of 2021**

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

Hearing of case(Priority)

- 1.For hearing of CMA 7109/2021
- 2.For hearing of main case

19-10-2022

Mr. Shabbir Ali Bozdar, Advocate for the petitioners.
 Mr. Dareshani Ali Haider 'Ada', Advocate for the respondent No.9.
 Mr. Zulfiqar Ali Naich, Assistant A.G.

.....

This constitution petition is directed against the order dated 06.09.2021, passed by learned Presiding Officer, Anti Encroachment Tribunal, Sukkur in Misc. Application No.47 of 2021 (re: ***Muhammad Yousuf Mahar v. Managing Director, SIDA and others***), directing to the authorized officer of Taluka Mirpur Mathelo district Ghotki i.e. the Assistant Commissioner (Revenue), Mirpur Mathelo to get the illegal encroachment removed from the government property of the irrigation land. The Executive Engineer, Irrigation Mirpur Mathelo Division was also directed to cooperate with the Assistant Commissioner (Revenue) Mirpur Mathelo by following the procedures of The Sindh Public Property (Removal of Encroachment), Act, 2010.

After arguing the matter at some length, learned counsel for the petitioners contends that since it is an admitted position in view of para-18 (wrongly mentioned as para-11) of the impugned order that the land requires to be demarcated and request of the Survey Superintendent Sukkur Division vide office letter and direction to applicant (respondent No.9 herein) to deposit survey charges at survey office, he would not press the instant petition if demarcation / survey is conducted before demolishing of the CNG station of the petitioners.

It appears that para wise comments were filed by the respondent No.8, wherein in paragraph-07, it has been admitted that the shops of the petitioners were found constructed on encroached area, which were demolished while the CNG Unit is not touching the area of channel Masu Minor. Hence, this petition is disposed of with direction that the CNG Unit of the petitioners will not be demolished without conducting of demarcation. However, in case the alleged CNG Unit of the petitioners falls within the area encroached by them, same shall be demolished.

Instant petition stands disposed of in the above terms along with listed application.

J U D G E

J U D G E

Ahmad