

**ORDER SHEET****IN THE HIGH COURT OF SINDH BENCH AT SUKKUR****C.P No. D- 21 of 2023**

Date of hearing	Order with signature of Judge
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Fresh case.

1. For orders on CMA 101/2023 (U/A)
2. For orders on office objection at Flag A''
3. For orders on CMA 102/2023 (Ex)
4. For orders on CMA 103/2023 (stay)
5. For hearing of main case.

**11-01-2023.**

Mr. Achar Hussain Gabol, Advocate for petitioner.

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Through this constitutional petition, the petitioner has prayed as under :

- a) *To direct the respondents Nos. 2 to 4 to consider the application of petitioner for measurement, demarcation and separation of boundaries of his lands viz. Survey Nos. 922, 923, 924, 925 of Deh Muhammad Ashabi, Taluka Mirwah, District khairpur and put separate boundaries among the land of petitioner and forest department, because land of petitioner and forest land are in same block bearing UA/Block No.149 Deh Muhammad Ashabi, Taluka Mirwah, District Khairpur.*
- b) *To declare that the impugned letter dated 14.12.2022 issued by respondent No.5 is illegal, unlawful, null, void and against the law hence the same is liable to be set aside.*

- c) *To set aside the impugned letter dated 14.12.2022 issued by the respondent No.5, as the same has been issued without having legal authority and having no locus standi to get cancel the grant of petitioner's father.*
- d) *To suspend the impugned letter dated 14.12.2022 issued by respondent No.5 with restraining directions to the respondent No.2 for further action/process on the impugned letter till the final decision of this petition.*

According to counsel for petitioner, the issue of demarcation of land is between petitioner and forest land and petitioner has approached to Deputy Commissioner, Khairpur/Assistant Commissioner for demarcation. Accordingly, Deputy Commissioner may decide the fate of application for demarcation, however, Deputy Commissioner Khairpur shall ensure that forest land if occupied by any encroacher, possession shall be restored to the forest department strictly in accordance with law. Needless to mention that if any encroacher claims legal character over any forest land, the Deputy Commissioner shall decide the fate of that objection.

Petition is disposed of in the above terms.

JUDGE

JUDGE

