

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

CP. No. D- 1382 of 2023

[**Syed Hussain Ali Shah and others v. Province of Sindh and others**]

Petitioners : Syed Hussain Ali Shah and others
(In person)

Respondents : Province of Sindh and others through
Mr. Rafiq Ahmed Dahri, Asstt: A.G.

Date of Hearing : 07.11.2023

Date of Announcement: .11.2023

ORDER

MUHAMMAD FAISAL KAMAL ALAM, J.- This Petition is filed, requesting for direction of this Court, that Respondents should decide the Application of Petitioners for demarcation of agricultural land which is pending since (07) seven years.

2. On Notices, Parawise Comments were filed. Petitioner No.1 is also representing the others, as there is no conflict of interest. On the last date of hearing (07.11.2023 when the matter was reserved for orders), Petitioner has referred to the documents relating to the agricultural land of which they are seeking Demarcation as per Rules, *inter alia*, Rule 67-A of the Sindh Land Revenue Rules 1968. It is contended that since seven (07) years Revenue Officials are delaying the matter and not deciding the Application of Petitioners for Demarcation, for “extraneous reasons”.

3. Whereas the Petition is opposed by the learned A.A.G., *inter alia*, on the ground that adequate remedy is available to the Petitioners to approach the Revenue Officials for Demarcation of land. Parawise Comments of Respondent Nos.4 & 5 – Assistant Commissioner and Mukhtiarkar respectively are on record.

4. Arguments heard. Record perused.

5. Matter pertains to Demarcation of agricultural land admeasuring 9-11 acres, situated in Survey No. 272, 273, Deh Checha-detha. The Application

before the Respondent No.6 Mukhtiarkar dates back to 8.11.2016 [that is, seven (07) years old]; besides, other Application is of 07.01.2020 along with Payment Challans (Page Nos. 25 to 27), that charges for demarcation was paid. Property Extract is also available at Page-17 showing the names of Petitioners. Parawise comments of the Officials have been perused in which it is stated that the land in question originally belongs to Syed Sikandar Shah and Mst. Zenoo, predecessor in interest of present Petitioners, from whom the Petitioners have inherited the subject land. Overall stance of the Petitioners is not disputed. No justification is mentioned by the Revenue Officials for not demarcating the subject land as per Rules.

6. In view of the above discussion, it is necessary to observe that this is a case of deliberate inaction on the part of Respondents. For seven (07) years the Petitioners are unable to get their land demarcated (as per Rules), without any plausible reason. In the Sindh Land Revenue Act, 1967 and the Sindh Land Revenue Rules 1968, a complete procedure is given to decide such Applications, but, the Respondents have failed to exercise their Authority, for the extraneous reasons.

7. This is not the only case where such a degree of mal-administration is seen on the part of Officials.

8. This Province is longing for a good governance, but due to dishonest and corrupt officials, the sufferings of people at large are increasing day by day and an ordinary citizen does not even have access to Senior Officials, for redressal of their grievances and to hear complaints against the Subordinate Officials. This continuous mal-administration, abuse of authority and corrupt practices have resulted in an unprecedented level of litigation against the Government, which is unnecessarily burdening the Courts. For instance, even undisputed Pensionary benefits and Post Retirement Service Dues Cases have to be decided by the Courts, merely to alleviate the miseries of Pensioners and Widows. This predicament cannot be allowed to continue, which can result in some irreparable disaster.

9. Consequently, this Petition is accepted. Respondents are directed to decide the Applications of Petitioners within four weeks and take necessary action according to law and Rules.

10. The Chief Secretary is directed to hold an enquiry that who are / were the officials who did not decide the Applications of Petitioners in all these

years and for what reason. Immediately proceedings should be initiated against them and if required their cases be sent to Anti-Corruption Establishment.

Compliance Report be submitted within two weeks. To come up on **6.12.2023 at 11:00 a.m.**

JUDGE

JUDGE

Karar_Hussain/PS*