

**IN THE HIGH COURT OF SINDH
BENCH AT SUKKUR**

Constt. Petition No. D- 1057 of 2021

DATE OF HEARING	ORDER WITH SIGNATURE OF JUDGE
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1. For orders on o/obj. at flag.A.
2. For hearing of CMA No. 4754/2021.
3. For hearing of main case.

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22.11.2023

Mr. Sheraz Fazal, Advocate, for the petitioners.
Mr. Ghulam Abbas Kubar, AAG

YOUSUF ALI SAYEED, J- The petitioners have impugned certain notices issued by the Respondent No.3, alleging that they have encroached on public land of a graveyard, which should be vacated. Learned counsel for the petitioners has contended that the land in occupation of the petitioners is their own, situated at some distance from the graveyard, and has sought that such notices be declared illegal and void ab-initio.

As per statement filed by the respondent No.4, the action for removal of illegal encroachment from the area of graveyard, is being undertaken in pursuance of an order dated 27.04.2021 passed by this Court in C.P. No. D-92 of 2021. Furthermore, even if the petitioners are of the view that they have been wrongly proceeded against under the garb of such an order, the appropriate forum for them to approach is the Tribunal established under the Sindh Public Property (Removal) of (Encroachment) Act, 2010, in as much as Section 13 of that Act mandates that:

“A Tribunal shall have exclusive jurisdiction to adjudicate upon a dispute that any property is not a public property or that any lease or licence in respect of such public property has not been determined for the purpose of this Act.”

The petition thus stands dismissed, leaving the petitioners to avail the alternate remedy before the appropriate forum, if so desired.

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