

Order Sheet
IN THE HIGH COURT OF SINDH,
CIRCUIT COURT, HYDERABAD

CP No. D- 3386 of 2018

DATE	ORDER WITH SIGNATURE OF JUDGE
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09.08.2023

For orders on office objections
For orders on MA 1451/21
For hearing of MA 15247/18
For hearing of main case

None present for petitioners
Mr. Rafiq Dahri, Asstt: A.G.

The petitioners claimed to be in occupation of certain land which is on the Protective Bund of Indus River Hala. The contents of the petition along with relevant documents shows that allegedly some Sands under Sindh Gothabad Scheme Act 1987 were issued beyond the maximum cap in terms of the area i.e. one sand of 3085 sq.ft and the other of 3006 sq.ft. This is not permissible under Sindh Gothabad Scheme Act 1987. The petitioner as against this claimed that the Irrigation Department be directed to bring on record the actual measurement of SM Protective Bund Hala so that they may show a justification to occupy the land in question on the basis of Sanads. This indulgence for the measurement of the Protective Bund of SM Protective Bund Hala cannot be granted as they have no nexus of their claim against this Bund nor measurement of Bund is a fundamental right of the petitioners as they themselves have admitted that they are sitting on the Protective Bund of SM Protective Bund Hala and indulgence could only be shown if the approach of petitioners is with clean hands. The sanads are prima facie disputed. These are disputed and intricate questions and the entitlement of the petitioners in terms of

such Sanads cannot be adjudicated in these proceedings. Apart from the fact that these Sanads are not required to be issued under Gothabad Scheme Act as far as the area of the land is concerned. Even otherwise the petitioners have not been appearing in the matter since last few dates and on 10.01.2019 he was put on notice to assist regarding maintainability of this petition.

In view of the above, we do not see any merit to proceed with this matter. The petitioners may; however, approach the civil court; for the redressal of the grievance. This petition as such is dismissed.

JUDGE

JUDGE

karar_hussain/PS*