

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

C. P No. D – 1339 of 2022

(Maqbool Ahmed Memon vs. Province of Sindh & others)

Present:-

Mr. Muhammad Iqbal Kalhoro, J
Mr. Arbab Ali Hakro, J

Date of hearing & Decision : **02.05.2024**

Petitioner Maqbool Ahmed Memon in person
Mr. Zulfiqar Ali Naich, Assistant Advocate General Sindh
along with Muhammad Usman Arif, Assistant Commissioner
Mehrabpur on behalf of Deputy Commissioner, Nausharho
Feroze.

ORDER

Muhammad Iqbal Kalhoro, J;- Petitioner has filed this petition seeking directions to respondents No.3 to 6 to execute the order dated 17.03.2015 passed by respondent No.7 / Provincial Ombudsman and directions to respondents to take legal action against respondent No.2 for his misstatement. It appears that on account of some civil dispute, the petitioner had filed some proceedings before Provincial Ombudsman against respondent No.2, in which directions were issued to revenue officials, made respondents here, to hear the petitioner and resolve his grievance. A copy of the order was sent to revenue officials Sanghar including Deputy Commissioner, Sanghar for the purpose, where respondent No.2 allegedly made a misstatement saying that the said order was suspended by the Governor of Sindh.

2. When the petitioner filed a C.P No.D-1407/2016 before this Court at Karachi for enforcement of the said order among others,

on the basis of said misstatement that the said order had been suspended by the Governor of Sindh, the petition was disposed of. Later on, the petitioner came to know about the fakeness of statement of respondent No.2 and filed a miscellaneous application in the said petition, but the same were dismissed. Against which, he filed a Civil Petition No.423-K of 2020 before the Supreme Court, but it was finally withdrawn by him. Hence, this petition.

3. During pendency of this petition, we had referred the matter to Deputy Commissioner, Naushahro Feroze to inquire into it, hear the parties, and submit the report. He has submitted the report today along with various documents. The report shows that in compliance of the Court's order, the Deputy Commissioner heard both the parties and in detail has mentioned process of inquiry conducted by him in his report. It appears that he has also examined the relevant record, which he has referred to in his report in tabular form. The findings recorded by him reads as under;-

"In the light of above findings and observations and available record, the undersigned is point of view that the petitioner Maqbool Ahmed Memon has no standing/claim in the respect of S.Nos. 403/2 and 343 of Deh Mad Ibyani to contend for and the share of petitioner's parents stands already transferred legally by themselves. He could also not justify his allegations leveled against respondent No.2."

4. When we confronted the compliance report of the Deputy Commissioner and findings recorded by him along with photocopies of entire record submitted along with the report to the petitioner,

he could not offer any rebuttal. He simply stated that his point of view has not been taken into record or the evidence not considered by the Deputy Commissioner. However, we have seen that the Deputy Commissioner, Naushahro Feroze after hearing the parties and considering entire record has decided the issue as directed by this Court. Even otherwise, we are of the view that petitioner's grievance, if any, can be decided by a competent Civil Court, as he is claiming a right over some property, which is being disputed by respondent No.2. Therefore, we find no merits in this petition and accordingly dismiss it in consideration of above facts and grounds.

Judge

Judge

ARBROHI