

ORDER SHEET

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Constitution Petition No. D-739 of 2019.

Date	Order with signature of Judge
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For Hearing of main case.

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08-05-2024.

Mr. Muhammad Iqbal Memon Advocate for petitioner.
Mr. Ch.Shahid Hussain Rajput, Advocate for respondents.
Mr. Muhammad Aslam Jatoi Assistant Attorney General.

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Petitioner Bagh seeks direction to the respondents to award the compensation to him for his land utilized for drilling process/work by the respondent MARI Petroleum Company Limited Daharki. We confronted the learned counsel for the petitioner that the subject issue can be resolved by the Court of Plenary Jurisdiction as the issue raised herein is with regard to the compensation amount of the subject land which requires evidence for the reason that the Revenue department purportedly granted the land to the petitioner for five years in 1985-1986, subsequently A-Form was issued in the same year, which factum has been disputed by the learned counsel representing the respondent company as well as intervener, for that learned counsel for the petitioner states that he had already succeeded in Revenue Petition under Section 164 of Sindh Land Revenue Act, vide order dated 20-12-2021 passed by the Member Judicial-II Board of Revenue, therefore, no objection can be entertained at this stage which has already attained finality as the respondents required to pay compensation of his land utilized for the foresaid purpose. Be that as it may, it is for the parties to approach the proper forum for such

compensation and dispute if any between the parties to be resolved by the Court of plenary jurisdiction, if approached.

After arguing the matter at some length, learned counsel for the petitioner states that he will file an appropriate civil proceedings before the Court having plenary jurisdiction in respect of the issue involved in the matter and other ancillary issues; however he states that appropriate directions may be issued to the concerned Court for early disposal of the suit. Primarily it is for the petitioner, at the first instance to file appropriate proceedings and if filed the same shall be taken care of by the trial Court on merits within reasonable time preferably within four months after hearing the parties concerned. Such proposal of the learned counsel for the petitioner is not opposed by the other side.

In view of above, let the petitioner approach the proper forum for redressal of his grievances and upon approach the same shall be disposed of in accordance with law.

Petition stands disposed of along with pending applications, if any.

JUDGE

JUDGE