

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Cr. Rev. App. No. S – 54 of 2023
(*Imran Ali Mahtam versus The State & others*)

Date of hearing : **26.02.2024**

Date of decision : **26.02.2024**

Mr. Khan Muhammad Sangi, Advocate for applicant.
Mr. Shafi Muhammad Mahar, Deputy Prosecutor General.

ORDER

Muhammad Iqbal Kalhoro, J. – Applicant filed a Direct Complaint U/S 3 and 4 of Illegal Dispossession Act, 2005 against respondents alleging that on 10.03.2023, when he along with the witnesses went to his land, saw the proposed accused in illegal possession thereof and cultivating the same. His complaint was dismissed vide order dated 01.06.2023 on the reports of Mukhtiarkar and SHO, Police Station concerned stating that the respondents are long in possession of the land and incident of dispossession had not taken place.

2. Learned Counsel for applicant has relied upon the case of *Abdul Jabbar v. Muhammad Afzal Haque and others* (**PLJ 2020 Cr.C. (Karachi) 1535**) and submits that the fact that respondents are in possession of the land for long will not mean that they have not dispossessed the applicant. Learned Deputy Prosecutor General has, however, supported the impugned order.

3. I have perused the impugned order and heard the parties. No case for interference is made out as the imputation of dispossession of the applicant from the land on 10.03.2023 by the proposed accused is vague and is not supported by the relevant reports of the officials. They on the contrary have submitted that respondents are in old possession of the land, and when the site was visited, their houses were found already built thereon. It is not even otherwise humanly possible for the respondents to build houses in a short period of 2/3 months of 10.03.2023, the date when for the first time complainant saw the respondents in possession of the land. The case appears to be related to a dispute between the parties over possession of the land and not dispossession thereof by the respondents, which is a must to attract provision of Illegal Dispossession Act, 2005.

4. Accordingly, in view of above, no case is made out for interference. The revision application is **dismissed**. However, applicant is at liberty to pursue the civil remedy in accordance with law.