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ORDER SHEET  
IN THE HIGH COURT OF SINDH CIRCUIT COURT LARKANA  
Const. Petition No. D- 1242 of 2009

DATE	ORDER WITH SIGNATURE OF JUDGE
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Direction

1. For orders on maintainability.

17.01.2018

Mr. Faiz Muhammad Larik and Mr. Sajid Zahid, Advocate for the petitioner.  
Mr. Abdul Hamid Bhurgri, Addl. A.G.

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Mr. Muhammad Murad M. Chachar, Advocate files vakalatnama on behalf of Respondent No.2 which is taken on record.

The petitioner claims to be the Public Limited Company and allottee of government land admeasuring 165 acres in Taluka Kashmore and Kandhkot. By means of this petition, the petitioner has prayed for following reliefs:-

- a. a declaration that the Petitioner has acquired the Allotted Land from the Respondents and is the owner thereof free from all kind of encumbrances and third party interests;
- b. to direct the Respondents to mutate the name of the Petitioner in the Record of rights and completing all other requisite formalities in respect of the Allotted Land;
- c. to permanently restrain the Respondents from creating any third party interest over the Allotted Land by, inter alia, issuing Transfer Order Forms to the third parties or executing any agreement in relation to the same; and

Today the matter is fixed for orders on maintainability. We have heard the parties at length. Learned counsel for the petitioner has referred to all the annexures filed along with petition to present his case. He further submits that the petitioner had deposited the money/amount against allotment of the land in its favour, therefore, this petition is maintainable.

On the other hand, learned Addl. A.G and Mr. Muhammad Murad Chachar, have contended that this petition is not maintainable because the petitioner has not



been able to submit any document showing the allotment of any land in its favour; that the annexures filed with the petition only show some correspondence between the government officials but it is not clear under what law the said correspondence was initiated; that there are disputed questions of facts which cannot be decided in the petition, and more-so a FC Suit No.82/2011 has been filed by the petitioner in respect of 05 acres land out of the said land.

We have considered the submissions of the parties. The petitioner is seeking declaration to be the owner of the land purported to be allotted to it and which is situated in Taluka Kashmore and Kandhkot. However, no document has been filed to show allotment of any land in its favour. The documents/annexures referred to by the petitioner simply indicate some correspondence between the Secretary Land Utilization and the Colonization Officer Guddu Barrage, Sukkur, etc. which tend to denote that at some level the request for allotment of land was being considered in favour of the petitioner, which however does not confer any right in respect of any land to the petitioner. Learned counsel in response to queries by the Court as to under what law the said procedure was adopted has failed to assist the Court, and additionally has not been able to establish any right of the petitioner to be declared owner of any land, even the description of which has not been disclosed by it in the petition. We, therefore, find this petition not maintainable and dismiss it accordingly.

*Hege*  
17-1-2018  
Judge

*Hay*  
Judge 17-1-2018