

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA.
Constitutional Petition No. D- 233 of 2022.
(*Re. Abdul Rehman v. D.C Kamber-Shahdadt & Ors*)

DATE OF HEARING ORDER WITH SIGNATURE OF HON'BLE JUDGE

Before :

Mr. Justice Muhammad Saleem Jessar.
Mr. Justice Adnan-ul-Karim Memon.

13.02.2025.

Petitioner is present in person.
Mr. Liaquat Ali Shar, A.A.G assisted by Mr. Munwar Ali Abbasi,
Asstt: A.G a/w Abdul Fafeez Channa, Manager Auqaf Larkana on
behalf of Secretary Auqaf Sindh Karachi.

ORDER

ADNAN-UL-KARIM MEMON – J:- The Petitioner's case is that the ancient and historically significant tombs of Sufi Hayat Faqeer and Chuttal Faqeer Khoso, dating back two centuries, are located in Taluka Shahdadt, District Kamber-Shahdadt, near village Sanjar Bhatti. This site, also known as Mukaam Khosan Jo, has been officially recognized as possessing historical and architectural value, and designated as a protected antiquity. Despite repeated appeals to the relevant authorities for the construction of a boundary wall to safeguard this graveyard, no action has been taken. Therefore, the Petitioner requests that this Court direct the Respondents to construct a complete boundary wall around the graveyard at government expense.

2. We have heard from the petitioner who is present in person and perused the record with his assistance. Learned A.A.G has referred the para-wise comments filed on behalf of respondent No.2 and argued that the Deputy Commissioner, Kamber-Shahdadt has already forwarded the request of the petitioner to the Secretary, Archeology, as well as a Secretary Zakat, Government of Sindh, vide letter no.04.01.2024 for the aforesaid purpose, as such this petition can be disposed of in terms of the recommendation of the Deputy Commissioner.

3. This petition can be efficiently resolved by directing the Commissioner/ Deputy Commissioner of Larkana to oversee the construction of a boundary wall around the subject graveyard. The Municipal Authorities shall coordinate with the Commissioner/Deputy Commissioner by ensuring that the construction of the boundary wall is done within a reasonable time at the public expense. The Commissioner should secure the necessary funding from the Government of Sindh for this purpose, thereby protecting this designated historical site from encroachment. This undertaking should be completed within two months positively.

4. The petition stands disposed of in the above terms. Let a copy of this order be transmitted to the respondents for compliance.