

ORDER-SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT LARKANA
CP No.D-519 of 2016.

Date of hearing	Order with signature of Judge
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For orders on maintainability.

31.08.2016.

Mr. Noorullah Gulsher Khan Rind, Advocate for Petitioner.
Mr. Abid Hussain Qadri, State Counsel.
Mr. Abdul Rehman Bhutto, Advocate for Respondent No.9.

Mr. Habibullah G. Ghouri, Advocate also files power on behalf of petitioner, which is taken on record. Mr. Ghouri submits that the petitioner purchased an area admeasuring 07 acres 32 ghanta of Survey No.131,128 and 145 of Deh Chhajra taluka Ratodero District Larkana from one Noor Muhammad vide sale deed No.142 dated 09.5.1995, registered in the office of District Registrar Larkana and entry No.69/81 dated 19.3.1995 was mutated in Revenue Record of said Deh in favour of petitioner. He further submits that in the year 2011 petitioner came to know that the Mukhtiarkar/ Respondent No.6 put a bogus, false and fabricated cancellation note in the mutation entry of the petitioner bearing No.69/81 showing allegedly in the light of order bearing No.1130 dated 15.5.2000, passed by Assistant Commissioner Ratodero, the Respondent No.1. Hence the petitioner approached the Respondent No.5 for getting the copy of said order where he came to know that very order of cancellation of that entry of Revenue record was neither issued from that office nor any copy of said order was available on record. Thereafter petitioner approached the Mukhtiarkar, Ratodero for obtaining copy of said order but in vain. Thereafter the petitioner on 22.2.2011 submitted an application to the Regional Revenue Officer, Larkana/Respondent No,3 for restoration of entry and cancellation of subsequent entry but when the grievances of petitioner was not redressed, the, instant petition was filed, wherein the Respondent No.5 and 6 have filed their comments by attaching the copy of order dated 15.5.2000. The learned counsels also submit that hectic efforts and requests were made for getting copy of the said order but the same was not supplied to petitioner by the Revenue authorities and it is therefore, this petition was filed. Mr. Ghouri submits that petitioner intends to seek his remedy available under the Sindh Revenue Act 1967 against the said order therefore, this petition may be disposed of directing the concerned revenue authority to decide the appeal of the petitioner on merit without further loss of time as the petitioner has already suffered a lot form the conduct of Revenue authorities, for not supplying copy of order dated 15.5.2000.

The learned State counsel has no objection if, this petition is disposed in the light of contention of learned counsels for the petitioner.

Learned counsel for the Respondent No.9, however raised objection that if, the petitioner files any appeal against the said order, that will be time barred.

This petition is disposed of directing the Revenue official concerned that in case petitioner files any appeal against the order dated 15.5.2000 the same be decided in accordance with law. So far as objection raised by learned counsel for Respondent No.9, is concerned, the said Respondent is at liberty to raise the same objection before Revenue official concerned.

S.Ashfaq