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ORDER SHEET

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA

Constitutional Petition No.D-352 of 2013

DATE OF HEARING	ORDER WITH SIGNATURE OF JUDGE
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For Katcha Peshi.

Petitioner : Allah Dad Brohi, through Mr. Faiz Mohammad Larik, Advocate.

Respondents : SHO of Police Station Saddar Jacobabad & others.

Mr. Abdul Hamid Bhurgri, Addl. Advocate General.

Date of hearing : 17.08.2017.

Date of Order : 17.08.2017.

ORDER.

Through this petition, the petitioner has sought the following relief(s):-

- (a) *That this Hon'ble Court may be pleased to call upon respondents No.1 and 8 to 10 and obtain from the written bond that they will not dispossess the petitioner forcibly without due course of law and action if any would be in accordance with law.*
- (b) *To direct the respondents No.5 & 6 to conduct spot enquiry and in case the revenue record in the name of private respondents is found false and fabricated, the same may kindly be ordered to be cancelled forthwith in accordance with law.*
- (c) *To direct the respondent No.7 to record statement of petitioner and in case a cognizable offence under Anti-Corruption Act is made out the same be registered against respondents No.4, 8 to 10 and take further action in accordance with law.*
- (d) *To direct respondents No.2 and 3 to ensure protection to the petitioner and his family members in future at the hands of official respondent No.1.*

2. At the very outset, learned Counsel was confronted as to how instant petition is maintainable in respect of the aforesaid reliefs which involve factual dispute and require conducting inquiry as per the petitioner's own averments. To this, the learned Counsel submits that petitioner had approached the revenue authorities for correction in the record as the property in question was owned by grandfather of the petitioner. Learned Counsel was also

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confronted as to on what basis the petitioner still claims that the property in question was owned by the grandfather of the petitioner, as not a single document has been annexed with the petition to that effect, learned Counsel could not respond satisfactorily.

3. In view of hereinabove facts and circumstances of this case, we are of the view that instant petition is misconceived, as on the one hand the petitioner has not placed on record any document which could substantiate the claim of the petitioner regarding his alleged ownership / inheritance of property and on the other, the entry in the revenue record is admittedly in the name of private respondents, whereas, it has been further stated by the petitioner that such entry is on the basis of fake sale agreement and a fake CNIC of the petitioner. We are afraid such dispute cannot be resolved under the Constitutional jurisdiction of this Court and for which the appropriate remedy is either to make an application under the Land Revenue Act, 1967 or in the alternative file a Civil suit for cancellation of such entry in accordance with law.

4. Accordingly, instant petition being misconceived is hereby dismissed.

JUDGE

Qazi Tahir PA*