ORDER SHEET

IN THE HIGH COURT OF SINDH,
CIRCUIT COURT, HYDERABAD

CP No. D- 1303 of 2010

DATE	ORDER WITH SIGNATURE OF JUDGE

20.01.2016

<u>For Katcha Peshi</u>

Mian Taj Muhammad Keerio, Advocate for Petitioner
Mr. Allah Bachayo Soomro Addl.A.G.

Petitioner claims to be owner of Plot admeasuring 17866 sq.fts situated in deh Hotki Tapa Tando Jam, in Tando Jam City which according to him he has purchased through a registered sale deed. The case of the petitioner is that he wanted to sell the above said plot but when he applied to respondent Nos. 3 and 4 for issuance of the sale certificate, it was not issued. Being aggrieved, the petitioner has filed this petition.

Learned A.A.G. has filed comments of respondent Nos. 3 and 4 and in para-4 thereof it has been clearly stated that the then Commissioner, Hyderabad Division had cancelled the relevant entries (of the plot) in the year 1997. The petitioner, therefore, was advised to approach the Land Utilization Department through Chief Executive of the Province for redressal of his grievance.

Learned counsel for the petitioner submits that although it has been so stated in the comments but no document showing cancellation of the entry has been placed on record. He further submits that if such record is produced then in the light of that, he would avail proper remedy before the proper forum.

We are of the view that since a categorical and specific reply from the government authorities has come that the relevant entry has been cancelled, the petitioner cannot maintain the petition for the prayed relief under the Constitution before this court.

However, with regard to his grievance that he is not being supplied the relevant record enabling him to resort to proper remedy, suffice it to say that he shall approach the authorities concerned for seeking relevant record and only in case of any refusal, he can approach this court.

In view of above, we are of the view that this petition has no merits and is dismissed accordingly. However, the petitioner may avail the proper remedy before the authorities concerned.

JUDGE

JUDGE

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