

ORDER SHEET
IN THE HIGH COURT OF SINDH BENCH AT SUKKUR
Const. Petition No.D-996 of 2023

Date	Order with signature of Judge
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1. For orders on office objection at flag `A`
2. For hearing of CMA No.4158/2023
3. For hearing of main case

20-12-2023

Mr. Alam Sher Bozdar, Advocate for the Petitioner
Mr. Ahmed Ali Shahani, Assistant Advocate Gneral

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Muhammad Iqbal Kalhoro,J:- Petitioner has filed this petition alleging that respondents are trying to demolish his house, which according to him he has built on Qabooli land, in terms of a decision made by Anti-Encroachment Tribunal Sukkur dated 27.03.2023 in which he was respondent No.9 and which was decided in the terms whereby Assistant Commissioner (Revenue) Ubauro was directed to remove illegal encroachment from Government path / way from GT Road Ubauro to village Qabil Bhayo Taluka Ubauro either made by applicant party or private respondents keeping in view the provision of the Sindh Public Property (Removal of Encroachment) Act 2010. As it is clear, the Tribunal in the judgment has given general directions to the Revenue Officers to remove the encroachment from the area as noted above.

The case of the petitioner is that after this decision Mukhtiarkar has been visiting his house with a warning to vacate the same as in compliance of the decision of the Tribunal they were going to demolish it. However, this assertion has not been proved by the petitioner from any record. Even the petitioner has not tried to approach the said tribunal, if he feels aggrieved by the act of Mukhtiarkar which he claims is against the decision of the Tribunal or that if he is not in possession of any government land. Therefore, we are skeptical about maintainability of this petition. In any case learned AAG submits that before taking any action against the petitioner in terms of judgment of the Anti-Encroachment Tribunal as noted above, a proper notice would be issued to the petitioner. Counsel for the petitioner is satisfied and this petition is accordingly disposed of. Let a copy of this order be communicated to AAG for a perusal and compliance.

JUDGE

JUDGE