

ORDER SHEET
**IN THE HIGH COURT OF SINDH
CIRCUIT COURT HYDERABAD**

C.P No.D-2140 of 2018

DATE	ORDER WITH SIGNATURE OF JUDGE
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<u>23-11-2022</u>	For orders on office objection. For hearing of main case.
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Ms. Shakira Niaz Ali Umrani advocate for petitioner.

Mr. Nouman Shahito advocate for respondents No.7&8.

Mr. Muhammad Ismail Bhutto, Additional Advocate
General Sindh.

Petitioner has impugned the order dated 01.03.2018 passed by Additional Deputy Commissioner on an application under section 133 Cr.P.C. filed respondents No.7 & 8 against him for occupying government katcha path adjacent to Survey No.03/1 & 04/1 meant for public use, etc.

Learned counsel for petitioner submits that in Mukhtiarkar's report no such passage is highlighted and therefore the impugned order is not sustainable in law. Over the marked katcha path, one watercourse is running as such no passage can be made. The private respondents want to dispossess the petitioner from his property and had on account of ulterior motives filed the application against the petitioner. Her arguments have been opposed by learned counsel for respondents. Learned A.A.G. has however drawn our attention to the various reports of the revenue officials showing that katcha path over government land is extant which apparently the petitioner has occupied.

In any case, after hearing the parties, we are of the view that the issue between the parties involves factual controversy which cannot be puzzled out in a petition under Article 199 of the Constitution. Besides, we find no illegality in the impugned order; relevant revenue record referred to by the learned A.A.G. shows existence of katcha path over government land in the subject area which *prima facie* has been encroached upon by the petitioner. This being the position we do not find any merit in the petition and **dismiss** it accordingly.

JUDGE

JUDGE