

ORDER SHEET
**HIGH COURT OF SINDH CIRCUIT COURT,
HYDERABAD**

C.P No.D-193 of 2024

DATE	ORDER WITH SIGNATURE OF JUDGE
<u>08.05.2025</u>	Mr. Muhammad Haseeb Jamali, advocate for the petitioner Mr. Muhammad Shoaib Aziz, advocate for respondent No.3 Mr. Barkat Ali Metlo, advocate for respondent No.14 Mr. Rafique Ahmed Dahri, Assistant A.G Sindh ***

This petition impugns the notice dated 30.01.2024 (*available at page-35 of the Court's file*), issued by the Mukhtiarkar Thano Bula Khan District Jamshoro for demarcation of the land bearing Survey No.48/1 admeasuring 19-14 acres in Deh & Tapo Kalo Kohar Taluka Thano Bula Khan District Jamshoro.

Record reflects that respondent No.14 moved an application dated 23.11.2023 (*available at page-131 of the Court's file*) before Deputy Commissioner Jamshoro, wherein he claimed that he and his three family members are joint owners of the land bearing Survey No.48/1 (0-2 acres), 49/2 (1-38-acres), 87/2 (0-32 acres), 88/ (4-00 acres), 89/1 (1-14 acres), 129/1 (1-36 acres), 130 (4-00 acres), 131/2 (2-16 acres), 168/1 (0-35 acres), 169/1 (1-01 acres) & 170 (0-22 acres) total admeasuring 19-14 acres in Deh & Tapo Kalo Kohar, Taluka Thano Bula Khan District Jamshoro and requested for demarcation of the said land.

On the above application Mukhtiarkar Taluka Thano Bula Khan issued a notice dated 30.01.2024, which has been impugned by the petitioner in present petition by alleging that under the garb of demarcation of Survey No.48/1 admeasuring 19-14 acres in aforesaid Deh the respondents have encroached upon the petitioner's land claiming to be in Survey No.43(1-0 acres), 44(2-3 acres), 45(2-6 acres), 46/1-2(2-2 acres), 47/1to3 (3-1 acres), 48/1-2 (1-3 acres), 49/1-2(2-1 acres), 1921 (2-5 acres), 1922 (2-0 acres), 88 (4-00 acres), 89/1-2 (4-00 acres), 90/1-2(4-00 acres), 91(3-3 acres), 92(4-00 acres), 93(4-00 acres), 94(4-00 acres), 95(4-3 acres), 96(4-3 acres), 121(2-1 acres), 122(4-00 acres), 123(4-00 acres), 124(4-00 acres), 125(4-00 acres), 126(4-00 acres), 127(4-00 acres), 128/1-2 (4-00 acres), 129/1-2(4-00 acres), and 130(4-00 acres) total admeasuring 96-04 acres at Nooriabad Taluka Thano Bula Khan.

At the very outset, learned AAG placed on record photocopy of Notification dated 21.10.2024, issued by the Senior Member Board of Revenue, and submits that by virtue of said Notification a Public Grievance Redressal Cell under the chairmanship of Deputy Commissioner of the District concerned, has been constituted to deal with the various public complaints like one in hand; therefore, this petition may be disposed of with directions to Deputy Commissioner Jamshoro to decide the matter, concerning demarcation only, strictly in accordance with law.

Upon being confronted with this position, counsel for the parties submitted that the matter does not fall within the ambit of the aforementioned Committee (Cell). However, they agreed that the demarcation application has already been forwarded to the Mukhtiarkar through the Assistant Commissioner from the Deputy Commissioner's office. Therefore, they request that the Mukhtiarkar concerned conduct the demarcation of the subject land in the presence of all parties and Settlement Department officials, and seek disposal of the petition accordingly.

In view of the foregoing, and without prejudice to the ownership rights of any party or any pending proceedings concerning the subject property, the instant petition is hereby disposed of with the directions to the Mukhtiarkar of Taluka Thanu Bula Khan to carry out the demarcation of the subject land as detailed in the application of Respondent No. 14, in the presence of Settlement Department officials, and after providing due notice to all concerned parties strictly in accordance with the law. This exercise shall be completed within 30 days from the date of receipt of this Order. It is clarified that any party aggrieved by the outcome of said demarcation shall be at liberty to seek remedies before the competent forum, subject to the provisions of the law.

Petition alongwith pending application(s) stands disposed of in the above terms.

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Sajjad Ali Jessar