

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

C.P No.D-4463 of 2025

[Taj Muhammad v. P.O Sindh and others]

DATE	ORDER WITH SIGNATURE OF JUDGE(S).
------	-----------------------------------

Before:

Mr. Justice Yousuf Ali Sayeed;

Mr. Justice Abdul Hamid Bhurgri.

1. For orders on office objections No.1 to 6.
2. For orders on Misc. No.18540/25.
3. For hearing of main case.

.....

Date of hearing:- 22.09.2025

Mr. Masjood Ali Memon, Advocate for the petitioner.

.....

Abdul Hamid Bhurgri, J.- Through this petition, the petitioner seeks redress in respect of the cancellation of mutation entry (Form-II) previously recorded in his favour by the revenue authorities. It is the petitioner's case that he lawfully acquired the subject property by way of a sale agreement and lease deed dated 29.06.2011, executed through his attorney with the lawful vendor, M/s Five Star Petroleum and CNG Services (Pvt.) Ltd., through its representative Mr. Malik Akhtar Abbas, son of Muhammad Farooq.

2. Upon completion of the transaction, the petitioner approached the office of the Mukhtiarkar for mutation of the land in the revenue records, which was duly entered in his favour. However, on 02.04.2019, when the petitioner approached Respondent No.3, he was informed that the said entry had been cancelled unilaterally on 25.06.2012, without any prior notice, hearing, or opportunity to be heard.

3. The petitioner contends that the said cancellation was undertaken arbitrarily and without due process, amounting to a violation of Articles 4 and 10-A of the Constitution, which guarantee the right to be dealt with in accordance with law and the right to a fair trial. He further avers that he submitted a representation to Respondent No.1 on 25.02.2025, but no action has been taken thereon. Despite multiple visits to the concerned offices, no effective remedy has been provided, compelling him to file the present petition.

4. Learned counsel for the petitioner submits that his client is the lawful owner of the subject property and that the continued inaction by the revenue authorities amounts to administrative mala

fides and denial of justice. He accordingly prays that appropriate directions be issued for restoration of the entry or for decision of the petitioner's application in accordance with law.

5. We have heard learned counsel for the petitioner and examined the material available on record.

6. At the outset, it is evident that the petitioner has directly addressed an application to the Member, Board of Revenue (available at page 101 of the file), seeking redress. However, under Section 164 of the Land Revenue Act, the Member Board of Revenue is competent to entertain revision petitions filed in accordance with the statutory procedure. A direct application bypassing the appropriate forum or stages of appeal does not lie as per the prescribed legal framework. Section-164 of Sindh Land Revenue Act, 1967 is reproduced as under:-

164. Revision.- (1) *The Board of Revenue, may, at any time, on its own motion, or on an application made to it within thirty days of the passing of any order, call for the record of any case pending before, or disposed of by, any Revenue Officer subordinate to it.*

(2) *A Commissioner or Collector may, at, any time, of his own motion or on an application made to him within thirty days of the passing of any order, call for the record of any case pending before, or disposed of by, any Revenue Officer under his control.*

(3) *If in any case in which a Collector has called for a record he is of opinion that proceedings taken or order made should be modified or reversed, he shall report the case with his opinion thereon for the orders of the Commissioner.*

(4) *The Board of Revenue may, in any case called for under section (1) and a Commissioner may, in any case called for under sub-section (2) or reported to him under sub-section (3), pass such orders as it or he thinks fit:*

Provided that no order shall be passed under this section reversing or modifying any proceedings or order of a subordinate Revenue Officer affecting any person without giving such person an opportunity of being heard.

Provided further that any order passed in revision under this section shall not be called in question on an application of the party affected by such order;

Provided also that no Revenue Officer other than the Board of Revenue shall have power to remand any case to a lower authority.

7. Furthermore, it is pertinent to note that the Revenue Department, Government of Sindh, vide Notification No. DD (E&I)/HQ/BOR/2024/302 dated 21.10.2024, has established a Public Grievance Redressal Cell under the supervision of the respective Deputy Commissioners, to specifically address revenue-related disputes and grievances. The Notification is reproduced below:



**GOVERNMENT OF SINDH
REVENUE DEPARTMENT**
Hyderabad Dated: 21/10 October, 2024

NOTIFICATION

No.DD(E&I)/HQ/BOR/2024/.302 In order to redress the public grievances in revenue related matters through one window facility, a "Public Grievances Redressal Cell" is hereby, established under the supervision of concerned Deputy Commissioner across the Sindh Province in their offices and the respective Additional Deputy Commissioner-I/ Additional Collector (by designation) will act as the Incharge thereof as under:

- i) All the complaints as to revenue related matters specially the mutation entries, sale certificates, fotikhata-badal (inheritance entries), demarcation of land, partition of land, solvency certificates etc will be recorded in the Complaint Register to be taluka-wise maintained separately at district level in this regard.
- ii) The complaints so recorded as above will be forwarded to the concerned Mukhtiarkars and Assistant Commissioners of respective Taluka (as the case be) who will further enter the complaint in the Inward Register and make the disposal thereof within the time line already notified by this Board vide Notification No.DD(E&I)/HQ/BOR/2018/1157 dated 03.12.2019 on merits as per law / rules after providing the opportunity being heard to the parties and observing all codal formalities and by passing speaking orders as needed otherwise. All the complaints / applications will also be computerized to have its data in soft.
- iii) The Deputy Commissioner will hold fortnightly review meetings to expedite the disposal of the complaints and to redress such grievances expeditiously in letter & spirit. He shall send the status of the complaints disposed of and pending to the concerned Divisional Commissioner for further necessary action. In the minutes, he shall make the report against the officers / officials failed to discharge their responsibilities in this respect. He shall also fix a day in a week to listening the complainants and to take necessary action for its redressal accordingly as per law on merits.
- iv) The Director (E&I) and Regional Revenue Officers, BOR, Sindh already assigned the task under Chief Minister's Directives will visit the field offices and report the progress through their memos to this Board. Besides, the Divisional Commissioner also to review the progress during the meetings and to take measures for disposal of subject petty issues of the public on priority basis.

**SENIOR MEMBER
BOARD OF REVENUE SINDH**

C.C to:

1. The Principal Secretary to Chief Minister Sindh, Karachi.
2. The Divisional Commissioner(s) _____ (All)
3. The Advocate General Sindh, Karachi.
4. The Additional Advocate General Sindh _____ (All)
5. The Deputy Commissioner(s) _____ (All)
6. The Deputy Secretary (Staff) to Chief Secretary, Sindh, Karachi.
7. The Section Officer (S.O.) to Senior Member, Board of Revenue Sindh.



**ASSISTANT SECRETARY
BOARD OF REVENUE SINDH**

8. In light of the above Notification, the petitioner has an alternative and efficacious remedy available to him by approaching the said Public Grievance Redressal Cell for appropriate redress.

9. It is a settled principle of law that where an adequate and efficacious remedy exists under the statutory scheme, constitutional jurisdiction under Article 199 ought not to be invoked prematurely. The formation of the Grievance Redressal Cell by the Government reflects a purposive intent to decentralize the resolution of revenue-related disputes, ensuring administrative efficiency and procedural fairness. Resort to such forum allows for a factual inquiry, hearing of concerned parties, and resolution within a stipulated timeframe, thereby upholding the principles of natural justice and judicial economy.

10. Accordingly, this petition is dismissed as not maintainable. However, the petitioner is at liberty to file a formal application before the Public Grievance Redressal Cell. Should such application be submitted, the competent authority will consider and decide the same strictly in accordance with law, preferably within thirty (30) days from the date of receipt, after affording a reasonable opportunity of hearing to all relevant parties.

11. The petition stands dismissed, along with all pending miscellaneous applications, if any.

JUDGE

JUDGE

Ayaz Gul