

**IN THE HIGH COURT OF SINDH, CIRCUIT COURT,
HYDERABAD**

Criminal Revision Application No.S-22 of 2026
[Sher Bahadur v. Assistant Commissioner Badin & others]

1. For orders on office objections.
2. For hearing of main case.

27.04.2026

Agha Ghulam Abbas, Advocate for applicant.

Mr. Irfan Ali Talpur, Deputy Prosecutor General, Sindh along-with
ASI Pir Bux PS Badin.

Mr. Ahsan Ali Bhurgari, Advocate files power on behalf of respondents
No.4,5,6, 8, 10, 11, 12, 14, 15, 17, 21, 22 and 27 taken on record.

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RIAZAT ALI SAHAR, J- Through this Criminal Revision Application, the applicant challenged the order dated 10.01.2026 passed by the learned 2nd Additional Sessions Judge, Badin, whereby his complaint under Sections 3, 4, 6 and 7 of the Illegal Dispossession Act, 2005 was dismissed.

2. Briefly stated, the applicant claimed ownership of agricultural land measuring 05-01 acres situated in Deh Paatar, Tapo Badin, Taluka and District Badin, allegedly purchased through registered sale deed dated 15.08.2024 for Rs.600,000/-. According to him, in July 2025 the private respondents forcibly dispossessed him and unlawfully occupied the land.

3. Learned counsel for the applicant contended that once ownership stood established through registered documents, the Trial Court was bound to entertain the complaint and restore possession.

4. Conversely, learned counsel for the private respondents argued that the complaint was not maintainable as the applicant failed to establish prior possession and subsequent dispossession, which are essential ingredients under the Illegal Dispossession Act, 2005.

5. The learned Deputy Prosecutor General supported the impugned order.

6. After hearing the parties and examining the record, it transpired that the reports of the Mukhtiarkar and the concerned SHO contradicted the applicant's plea of dispossession, indicating that the private respondents had been residing on the land in permanent (pacca) houses for a considerable period. Though the applicant relied upon ownership documents, he failed to produce any material showing that he was ever in actual physical possession of the property before the alleged incident. No specific date, time, or independent witnesses of dispossession were disclosed, nor was any documentary proof produced to show that he had approached the authorities

promptly after the alleged occurrence. It is settled law that the Illegal Dispossession Act, 2005 is intended to curb the activities of land grabbers and qabza groups, and is not a substitute for a civil suit for possession. Mere ownership does not by itself satisfy the requirement of dispossession under Section 3 of the Act. Unless prior possession and unlawful dispossession are established, criminal proceedings under the Act cannot be sustained. Since the applicant failed to prove the foundational requirement of prior possession followed by illegal dispossession, no illegality, irregularity, or jurisdictional defect is found in the impugned order. Consequently, the Criminal Revision Application is **dismissed**. However, the applicant is left at liberty to seek appropriate relief before the competent Civil Court for adjudication of title and recovery of possession, if so advised.

JUDGE

Muhammad Danish