

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI

Constitutional Petition No. D-4634 of 2026
(Muhammad Yousif Zangyani Baloch versus Province of Sindh and others)

Date	Order with signature of Judge
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Mr. Justice Adnan-ul-Karim Memon
Mr. Justice Muhammad Jaffer Raza

Date of hearing: 03.09.2026

Mr. Faisal Ahmed. A. Memon, advocate for the petitioner
Mr. Ali Safdar Depar, AAG along with Maqbool Ahmed Jokhio, Mukhtiarkar
Ghorabari, District Thatta.

ORDER

Adnan-ul-Karim Memon, J. The petitioner seeks demarcation of his agricultural land situated in Deh Ghato, Tapo Khan, Taluka Ghorabari, District Thatta, issuance of Sale Certificates in respect of certain survey numbers, and action against the concerned revenue officials for allegedly demanding illegal gratification.

2. Learned counsel for the petitioner submits that despite the petitioner's application dated 05.06.2026 for demarcation and payment of the prescribed fee for Sale Certificates, no action was taken, while his complaint regarding illegal gratification also remained unattended. He also requests a decision of the pending demarcation application in accordance with law.

3. The learned AAG, assisted by the Mukhtiarkar Ghorabari, District Thatta, while denying the allegations, submits that the land was found to be jointly held/un-partitioned, and therefore demarcation could not lawfully be undertaken without first determining the shares of the co-sharers. The Mukhtiarkar also submitted his report dated 09.07.2026, pursuant to which the Deputy Commissioner directed proceedings under Section 135 of the Sindh Land Revenue Act, 1967, and partition notices were issued to the petitioner and other co-sharers. He added that the objections have also been received from certain co-sharers disputing the petitioner's claim and the proposed sale. It is, therefore, contended that the statutory revenue proceedings are already underway and the objections need to be decided after providing the concerned parties an opportunity of hearing; hence, the petition is premature and liable to be dismissed.

4. Having heard the learned counsel for the parties and examined the material placed on record, it appears that the grievance of the petitioner primarily relates to the non-disposal of his application for demarcation and issuance of Sale Certificates.

5. The respondents have taken the position that the subject land is jointly held and remains un-partitioned, and that, therefore, demarcation cannot appropriately be carried out unless the respective shares of the co-sharers are first determined.

6. It is also apparent from the report of the Mukhtiarkar dated 09.07.2026 that proceedings under Section 135 of the Sindh Land Revenue Act, 1967 have been initiated and notices have been issued to the concerned co-sharers, some of whom have already submitted objections disputing the petitioner's claim. In these circumstances, this Court, in exercise of its constitutional jurisdiction, cannot substitute itself for the competent revenue authority or determine disputed questions of title and shares which are required to be adjudicated in accordance with the prescribed statutory procedure.

7. At the same time, the pendency of revenue proceedings cannot be permitted to operate indefinitely to the prejudice of the petitioner. The revenue authorities are under a legal obligation to proceed with the matter expeditiously, fairly and strictly in accordance with law, after affording all concerned parties a reasonable opportunity of hearing. More importantly, if upon examination of the revenue record and the objections of the co-sharers it is found that the land claimed by the petitioner is exclusively owned by him and is not jointly held with any co-sharer, there would be no lawful justification for requiring partition proceedings merely as a condition precedent to demarcation. In such eventuality, the competent revenue authority shall proceed to determine and carry out the demarcation of the petitioner's land in accordance with the revenue record and law, and shall also consider his request for issuance of the Sale Certificates upon fulfillment of the requisite legal and procedural requirements.

8. Conversely, if the revenue record establishes that the subject land is jointly owned or un-partitioned, the competent authority shall first determine the respective rights and shares of the parties through the proceedings already initiated under Section 135 of the Sindh Land Revenue Act, 1967, and thereafter deal with the petitioner's request for demarcation and issuance of Sale Certificates in accordance with law. The objections submitted by the co-sharers shall be considered objectively and decided by a reasoned and speaking order, without being influenced by any observation made herein on the merits of the parties' respective claims.

9. Before passing this order, we have noticed, concerning the allegation of illegal gratification. The competent authority/ Deputy Commissioner District Thatta shall, therefore, examine the petitioner's complaint in accordance with law and, if any cognizable material is found, take appropriate action against the

concerned officials shall be recommended to the competent authority without favor or fear. However, no revenue officer of District Thatta shall demand or receive any amount from the khatedar for Sale Certificate, fotikhta Badal partition, demarcation and other ancillary revenue issues except such fee or charges as are lawfully prescribed.

10. Accordingly, without expressing any opinion on the title, ownership or shares of the parties, this petition is disposed of with a direction to the competent revenue authority to conclude the pending proceedings, including determination of the question whether the subject land is exclusively owned by the petitioner or is jointly held with the alleged co-sharers, within three weeks from the date of receipt of this order, strictly in accordance with law and after providing adequate opportunity of hearing to all concerned. If the petitioner is found to be the exclusive owner of the subject land, his application for demarcation shall be processed and decided forthwith in accordance with the revenue record and applicable law, and the request for issuance of Sale Certificates shall likewise be considered without insisting upon unnecessary partition proceedings. If, however, the land is found to be jointly owned, the competent authority shall proceed in accordance with Section 135 and determine the respective shares before undertaking demarcation.

11. Let a copy of this order be communicated to the competent authority/ Deputy Commissioner, District Thatta, for swift action in accordance with law without fail.

JUDGE

JUDGE