

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

C.P No.D-4930 of 2022

[Mst. Haseena and others v. P.O Sindh and others]

DATE	ORDER WITH SIGNATURE OF JUDGE(S).
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Before:

Mr. Justice Yousuf Ali Sayeed;

Mr. Justice Abdul Hamid Bhurgri.

1. For orders on Misc. No.8366/25.
2. For hearing of CMA No.21001/22.
3. For hearing of main case.

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Date of hearing:- 22.09.2025

Ms. Humaira Memon, Advocate for Petitioners.

Mr. K.A Vaswani, Assistant Advocate General Sindh.

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Abdul Hamid Bhurgri, J.- The present petition concerns the petitioners' claim to land measuring 10,000 square feet located on un-surveyed land in Deh Thatta, Taluka Thatta, District Thatta, inherited from their late father, Juma Khan, who was, according to the petitioners, the original allottee and lawful owner. His ownership was duly recorded in the revenue register under Entry No. 98 dated 28 August 1995, and reflected in Form-II. Following are the boundaries of property in question:

To the North by the house of one Ali Mallah;
To the South by a graveyard;
To the East by a vacant plot; and
To the West by Tando Sujawal Road.

2. Following the demise of Juma Khan on 13 November 1995, the petitioners, as his legal heirs, claim entitlement to his estate. However, on 27 December 2007, a significant fire reportedly destroyed the entire record of the Revenue Department, Thatta, including that relating to the petitioners' inherited property. In pursuit of having the revenue records reconstructed, the petitioners, through their special attorney, submitted an application to Respondent No. 5. In response, Rubkari No. SC/821/2013 dated 17 December 2013 was issued, stating that the record reconstruction process for Taluka Thatta had concluded, and the petitioners were advised to approach the Additional Deputy Commissioner-I, Thatta (ADC-I). The petitioners accordingly filed Revenue Appeal No. ADC-I/3222 dated 16 September 2013, and pursuant to instructions from

the ADC-I via letter No. DC/Rev/3682/2013 dated 20 December 2013, the Mukhtiarkar issued a public notice in Daily Awami Awaz on 3 January 2013, inviting objections. None were received. Thereafter, the Mukhtiarkar recorded statements from the petitioners and issued a letter bearing No. MUKH/161/2014 dated 23 January 2014, recommending mutation in favour of the petitioners. However, despite repeated visits to the offices of Respondents No. 1 to 7, no further action has been taken. The petitioners allege that revenue officials demanded illegal gratification, and upon their refusal, the officials deliberately obstructed the mutation process. The petitioners also contend that although a frivolous Entry No. 02 was inserted by the Beat Tapedar purporting to reflect their ownership, this entry was never formally incorporated into the official record. They subsequently lodged a complaint with the Director Anti-Corruption on 13 July 2015, who conducted an inquiry and found misconduct on the part of certain revenue officials. However, no action followed, prompting the filing of the present petition seeking following relief:-

- a) *To declare that the petitioners are the legal and lawful bonafide share-holder in the inherited property viz. land measuring 10000 Sq. feet, Unsurvey Land, situated at Deh Thatta, Taluka Thatta, District Thatta, by virtue of the title documents / Heirship Certificates etc.*
- b) *To direct the respondents No. 1&7 to reconstruct the record of rights / Form-II as well as enter the name of the legal heirs of the deceased in the record of rights/ Form-II as per the Heirship Certificates submitted by the petitioners and then issue fresh record of rights/ Form-II, in accordance with the law.*
- c) *To grant permanent injunction, thereby restraining the respondents, their agents, assignees, workers, subordinates, official staff, men(s), peoples working on their behalf from creating third party interest in the above said inherited property viz. land measuring 10000 Sq. feet, Unsurvey Land, situated at Deh Thatta, Taluka Thatta, District Thatta, without due process of law, justification and till final disposal of the instant petition.*
- d) *Any other relief or relives which this Honourable Court may deem fit and proper under the circumstances of the petition.*
- e) *Cost of the petition be awarded.*

3. Learned counsel for the petitioners submits that the petitioners, being lawful heirs, are entitled to have their names entered in the revenue record. She argues that the inaction of the official respondents is arbitrary and contrary to law.

4. On the other hand, the learned Additional Advocate General (AAG) contends that the matter pertains to historical revenue entries, and as per established law, such matters must be agitated before the appropriate revenue authorities. He further submits that the present petition is not maintainable and that the petitioners may pursue remedies available under the applicable legal framework.

5. We have considered the arguments advanced by both sides and perused the material on record.

6. It is clear from the record that the petitioners have already approached the revenue authorities for reconstruction and mutation of entries following the destruction of the record. The relevant correspondence and the public notice published inviting objections are on file, and no objections were received. The reliefs sought by the petitioners effectively amount to a declaration of ownership, which this Court, in the exercise of its constitutional jurisdiction under Article 199 of the Constitution, is not competent to grant. Matters involving title disputes or record mutation fall within the domain of revenue or civil courts, particularly in light of the remedies available under Section 53 of the Land Revenue Act.

7. Moreover, it is pertinent to note that the Government of Sindh, Revenue Department, through Notification No. DD(E&I)/HQ/BOR/2024/302 dated 21 October 2024, has established a Public Grievance Redressal Cell, headed by the respective Deputy Commissioners, specifically tasked with addressing revenue-related disputes. This provides an accessible and specialized forum for grievances such as those raised in this petition. The Notification is reproduced below:



GOVERNMENT OF SINDH
REVENUE DEPARTMENT
 Hyderabad Dated: 21st 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 (Staff) to Senior Member, Board of Revenue Sindh.



ASSISTANT SECRETARY
BOARD OF REVENUE SINDH

8. It is a settled principle that constitutional jurisdiction is not a substitute for statutory remedies. The Supreme Court and High Courts have consistently held that where an alternative and efficacious remedy is available, particularly one grounded in a statutory scheme, parties must first exhaust such remedy before invoking the extraordinary jurisdiction of this Court. In the present case, the petitioners have access to both the grievance redressal cell and the forum available under Section 53 of the Land Revenue Act.

These avenues are both competent and adequate for resolving the dispute in question.

9. In view of the foregoing, the petition is not maintainable and is accordingly dismissed. However, the petitioners are at liberty to approach the Public Grievance Redressal Cell established under the above-mentioned Notification. Should such an application be filed, the competent authority will consider the same and dispose of it in accordance with law, preferably within thirty (30) days, after affording a reasonable opportunity of hearing to all concerned.

10. The petition stands dismissed, along with any pending miscellaneous applications.

11. Let a copy of this judgment be communicated to the official respondents and the learned Advocate General, Sindh, for compliance and appropriate action.

JUDGE

JUDGE

Ayaz Gul