

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

C.P No. D-430 of 2019

Present:

Muhammad Faisal Kamal Alam,
Yousuf Ali Sayeed, JJ

Abdul Waheed Arain & others.....Petitioners

Versus

Province of Sindh & Others.....Respondents

Syed Haider Imam Rizvi, Advocate for the Petitioners
Balosch Ahmed Junejo, Advocate for private Respondents.
Allah Bachayo Soomro, Addl. A.G. Sindh.

Date of hearing : 30.10.2024

ORDER

The Petitioners claim to be the owners of agricultural land admeasuring 103-16 acres, situated at Deh Tajpur Rayatti, Tapa Shah Pur, Taluka Matiari, Hyderabad, on the basis of Registered Sale Deed dated 22nd February 1992 executed pursuant to a Sale Agreement dated 12.01.1992 with one Faisal Khan Leghari, son of Gul Muhammad Leghari, who is said to have been the lawful and exclusive owner thereof at the time by virtue of a gift made in his favour, coupled with his name subsequently being entered in the Record of Rights vide Entry No.02 dated 07.04.1969 on the strength thereof.

2. The grievance of the Petitioners underpinning the matter at hand arises from an Appeal No. DC/APPEAL/MAT/5117 instituted under Section 161 of the Sindh Land Revenue Act, 1967, before the Court of the Deputy Commissioner by the Respondent No.8 (Re: Nawab Saudi Leghari v. Nawab Faisal Leghari (Deceased) & others) assailing the aforementioned Gift and Entry (the "**Impugned Proceedings**"), where notices were issued to the Petitioners for their appearance and a report was called from the concerned Mukhtiarkar. The case of the

Petitioners is that cognizance ought not to have been taken in the Impugned Proceedings as the mother of the Respondent No.8, namely Gulshad Laghari, had previously lodged multiple complaints on the same score before the Senior Member, Board of Revenue. It is said that an investigation had ensued through a committee constituted in that regard, and the gift as well as subsequent transaction having been found to be genuine, with her complaint having been closed as per her satisfaction but that she had then nonetheless reagitated the matter through a further complaint, which culminated in its dismissal, with her being advised to approach a civil Court. Per the Petitioners, the Impugned Proceedings are mala fide, in excess of jurisdiction, and ought not to have been entertained at the behest of the Respondent No.8 under such circumstances.

3. As things stand, the comments submitted in the matter by the Deputy Commissioner, Matiari, reflect inter alia that the Impugned Proceedings stand adjourned sine die pending the outcome of the present Petition.
4. That being so, where the Impugned Proceedings remain pending, with no adverse action having been taken per se so as to require intervention in exercise of the extraordinary Constitutional jurisdiction of this Court, we are inclined to dispose of the Petition with the direction to the concerned functionary to firstly decide the question of maintainability of the Impugned Proceedings through a speaking order after affording a proper opportunity to the parties prior to embarking further in the matter. The Petition stands disposed of accordingly.

JUDGE

JUDGE