

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

**Crl. Revision Application No.S-131 of 2024**

**Applicant:** Naseer Muhammad Shar Baloch.  
Mr. Muhammad Akhter Syed, Advocate.

**Respondents:** Faiz Muhammad and 08 others.  
Through Mr. Shahnawaz Laghari, Advocate.

**The State:** Through Mr. Dhani Bakhsh Mari, A.P.G.

**Date of hearing:** 26.08.2025

**Date of order:** 26.08.2025

**O R D E R**

**Amjad Ali Sahito, J:** Through this Crl. Revision Application, the applicant/complainant has impugned the order dated 03.10.2024 passed by learned Additional Sessions Judge-I, Mirpurkhas in I.D Complaint No. 21/2024 “Re-Naseer Muhammad Shar Baloch Vs. Faiz Muhammad and others”. After filing the Complaint, report was called and on the basis of report, the Illegal Dispossession Complaint was dismissed. Being aggrieved, the applicant/complainant filed instant Crl. Revision Application before this court.

2. Learned counsel for the applicant/complainant submits that the learned trial court did not provide opportunity to complainant to present the evidence; failed to consider relevant evidence; ignored the facts and passed the impugned order, as such he prayed that impugned order be set-aside.

3. On the other hand, learned A.P.G submits that requirement of I.D Complaint is only that after filing the complaint, learned trial court has to call the report from the concerned SHO and Mukhtiarkar and same was done in this case and on the basis of such report, learned trial court has dismissed the I.D Complaint filed by the applicant/complainant.

4. I have heard the learned counsels for the respective parties as well as perused the material available on the record.

5. From perusal of record, it reflects that applicant has filed complaint under section 3, 4, 5 & 8 of the Illegal Dispossession Act, 2005 against the respondents. After filing the complaint, the report was called from SHO PS Sindhri and Mukhtiarkar concerned with direction to conduct inquiry into the matter and submit such reports. As per report was received from SHO of PS Sindhri disclosed that the land in question total admeasuring 13 acres and 04.5 ghuntas is Government barrage land on which houses of proposed accused Faiz Muhammad and others are constructed and same land was obtained by the complainant on which proposed accused raised objections and then through nek mards 02 acres land out of the said land was sold by the complainant to the proposed accused against Rs. 100,000/- and such agreement was executed under which said land was given to the proposed accused but subsequently, parties could not agree with each other and then through nek mards said land was returned to complainant against Rs. 12,00,000/- and complainant paid Rs. 800,000/- to proposed accused and reaming amount was to be paid on 15.09.2024, but complainant asked proposed accused Faiz Muhammad to execute such agreement and proposed accused Faiz Muhammad replied that he would execute agreement after receiving the remaining amount on which complainant got annoyed and demanded his money back and then proposed accused Faiz Muhammad and others returned Rs. 800,000/- to the complainant and complainant after receiving his said amount has filed this illegal dispossession act complaint against proposed accused. Report submitted by Mukhtiarkar Revenue Taluka, Sindhri also shows that 02 acres land out of the said land is cultivated and under the possession of proposed accused. On the basis of aforementioned reports, learned trial court dismissed the I.D Complaint.

6. After perusal of the reports submitted by the SHO, Police Station Sindhri, and the Mukhtiarkar, Revenue Taluka Sindhri, it is evident that the land in question measuring 13 acres and 4.5 ghuntas is Government Barrage land. The complainant initially obtained the said land, over which the proposed

accused raised objections. Subsequently, through intervention of *Nek Mards*, a mutual arrangement was made wherein 2 acres out of the said land were sold by the complainant to the proposed accused for a consideration of Rs. 100,000/-, and an agreement to that effect was executed. However, due to later disagreements, the said land was returned to the complainant through another settlement mediated by *Nek Mards*, against a payment of Rs. 1,200,000/-, of which Rs. 800,000/- was paid by the complainant, with the remaining amount agreed to be paid by 15.09.2024. The proposed accused Faiz Muhammad expressed willingness to execute a formal agreement after receiving the remaining amount. The complainant, instead of fulfilling the agreed terms, demanded a refund, which was duly paid by the proposed accused. Thereafter, the complainant filed the present complaint under the Illegal Dispossession Act. However, in view of the above facts, the dispute appears to be of a civil nature involving monetary settlement and possession over government land, and does not fall within the purview of illegal dispossession. The report of the Mukhtiarkar also confirms that only 2 acres of the land are under cultivation and in possession of the proposed accused, which is consistent with the earlier settlement between the parties. Accordingly, **no case of illegal dispossession is made out**, and the filing of the complaint appears to be an afterthought, following resolution of a private monetary dispute.

7. The applicant/complainant has failed to establish his case of illegal dispossession by the respondents/accused, and there is no evidence that the land of the applicant/complainant has been occupied by anyone. The learned trial court has rightly passed the impugned order, which does not suffer from any illegality or irregularity. Accordingly, the instant Criminal Revision Application stands dismissed.

**JUDGE**

*\*Adnan Ashraf Nizamani\**