

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, MIRPURKHAS
C.P No. D-653 of 2024

[*Karim Dad v. Province of Sindh and others*]

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

For hearing of M.A No.9741/2023 (Contempt)

04.02.2026

Mr.Altaf Sachal Awan, Advocate for the Petitioner
Mr.Sintosh Kumar, Advocate for Respondent No.2
Mr.Muhammad Sharif Solangi, Assistant A.G Sindh

The petitioner has moved the listed application under Article 204 of the Constitution, alleging willful and deliberate disobedience of the directions contained in the order dated 30.08.2023, passed in old C.P. No. D-3130 of 2022 (New C.P No.D-653/2024).

2. The gravamen of the petitioner's case is that despite clear directions to demarcate the land and ensure vacation of government land from unauthorised occupants, the alleged contemnors failed to implement the order in its entirety and allowed re-encroachment to take place.

3. Learned counsel for the petitioner, while reiterating the pleadings, confined his submissions to the assertion that Survey Nos. 73, 76 and 77 have not been vacated in accordance with the mandate of the Court. According to him, the respondents removed only a portion of the encroachment and thereafter abandoned the operation, enabling the private respondents to re-enter and reconstruct temporary structures. He submits that such conduct constitutes a conscious defiance of the Court's order and attracts the penal consequences envisaged under Article 204.

4. Learned AAG submits that the contempt application is wholly misconceived, as the directions dated 30.08.2023 have been fully complied with. He points out that demarcation was carried out, encroachments were

removed, structures demolished, and compliance reports were filed within time. He emphasises that the latest judicial inspection confirms that all state land and enemy property are presently vacant, and the petitioner has produced no material to contradict the official record.

5. Learned counsel for private respondent No.2 adopts the submissions of the AAG.

6. We have heard learned counsel for the parties and have minutely examined the material placed before us, including the compliance reports submitted by the Deputy Commissioner, Assistant Commissioner and Mukhtiarkar Dahli, as well as the report of the Civil Judge & Judicial Magistrate, Chachro.

7. The order dated 30.08.2023 required the revenue authorities to (i) specifically demarcate the land belonging to the parties and (ii) ensure that government land, including land earlier abandoned in 1971, is vacated from unauthorised possession. The record reflects that, pursuant to the petitioner's applications, the Deputy Commissioner sought deployment of security personnel from the Rangers and the Police on 23.10.2023, and an anti-encroachment operation was conducted on 25.10.2023. The contemporaneous reports of the Assistant Commissioner and Mukhtiarkar show that two temporary huts were demolished, crops were removed, and the encroachers acknowledged their occupation and sought time to vacate.

8. The subsequent compliance report dated 08.03.2024 reiterates that the encroachment raised by respondents No. 2 to 8 was removed, structures demolished, and the land cleared. The Civil Judge & Judicial Magistrate, Chachro, in his inspection report dated 12.10.2024, has confirmed that Survey No. 78 was found vacant and uncultivated and that the huts earlier existing on government land were in a demolished condition. The petitioner himself did not appear at the site despite notice.

9. The latest status report dated 06.01.2026, submitted by the Mukhtiarkar Dahli, further states that Survey Nos. 77, 78, 79 and 80, where portions of state land and enemy property exist, are presently vacant, free from possession and not under cultivation. It is also noted that any seasonal cultivation earlier detected on portions of Survey Nos. 79 and 80 were attributed to the petitioner and his family, for which notices were issued and proceedings initiated before the Anti-Encroachment Tribunal.

10. The petitioner's allegation that Survey Nos. 73, 76 and 77 remain encroached upon and are not supported by any independent material. No photographs, affidavits, or contemporaneous evidence have been placed on record to rebut the official reports. The judicial inspection conducted by the Magistrate, an officer independent of the revenue hierarchy, corroborates the stance of the alleged contemnors. The reports are detailed, consistent and bear no indication of mala fides or deliberate non-compliance.

11. Contempt jurisdiction is penal in nature and must be exercised with circumspection. Mere dissatisfaction with the pace or manner of administrative compliance does not ipso facto constitute contempt unless the disobedience is shown to be intentional, contumacious and in the face of the Court's authority. The Supreme Court has repeatedly held that where substantial compliance is demonstrated, contempt proceedings ought not to be invoked as a substitute for execution or supervisory remedies.

12. In the present case, the record unmistakably shows that the directions of this Court were acted upon, demarcation was carried out, encroachments were removed, structures demolished, crops cleared, and subsequent inspections confirmed the land to be vacant. Even if some seasonal activity occurred thereafter, the authorities initiated proceedings under the law. The petitioner's own absence during the judicial inspection further weakens his claim.

13. We are, therefore, satisfied that substantial compliance with the order dated 30.08.2023 has been made. No material has been brought

before us to establish that the alleged contemnors acted in defiance of the Court's mandate or that their conduct was contumacious. The remedy of contempt cannot be invoked to perpetuate a factual dispute over possession, particularly when competent authorities have already acted and continue to monitor the situation.

14. In view of the above, the contempt application is devoid of merit and is accordingly **dismissed**.

JUDGE

JUDGE

AHSAN K. ABRO