

ORDER SHEET
IN THE HIGH COURT OF SINDH
CIRCUIT COURT MIRPURKHAS

Constitutional Petition No.S-35 of 2026

Constitutional Petition No.S-36 of 2026

DATE	ORDER WITH SIGNATURE OF JUDGE
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1. For orders on office objection.
2. For orders on M.A No.489/2024 (*In C.P No.S-35/2026*).
3. For orders on M.A No.492/2024 (*In C.P No.S-36/2026*).
4. For hearing of main case.

23.02.2026

Mr. Ayaz Ali Rajpar, Assistant A.G Sindh for the petitioners a/w Mukhtiarkar Sindhri.

Mr. Abdul Razzaq Dars, advocate for respondent No.1 in both the petitions.

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Heard learned A.A.G, counsel for respondent No.1 and the Mukhtiarkar Sindhri in person. Learned A.A.G has placed on record an Order dated 26.03.2025 passed by the Commissioner, Mirpurkhas in Appeal No.21/2020, which depicts that, based on the record, 17-00 acres of land (out of the total 47-00 acres of land which was decreed and has been challenged in the instant petitions), has been declared as government land and directions for taking over possession have been issued to the Deputy Commissioner, Mirpurkhas.

At this juncture, learned counsel for respondent No.1, under instructions, states that such land was already taken over by the government and his client is ready to surrender his claim on such land out of the total decree of 47-00 acres of land, and prays that the decree to the extent of the remaining 30-00 acres may be upheld.

At this stage, the Mukhtiarkar again points out from the same Order dated 26.03.2025 passed by the Commissioner, Mirpurkhas, to reflect that even with respect to the remaining 30-00 acres of qabooli land, the original record does not support the basic entry in favour of the seller who had subsequently sold the land to the present respondent No.1. He further states that possession of 17-00 acres of land has already been taken over by the government and such position is confirmed by the counsel for respondent No.1.

At this stage, learned counsel for respondent No.1 states that respondent No.1 was not even made a party and was not heard and therefore, to challenge such Order of the Commissioner, an appeal has been preferred by respondent No.1 before the learned Member (Judicial-I), Board of Revenue, Hyderabad, which is pending adjudication.

After arguing the matter at length, both learned A.A.G and learned counsel for respondent No.1 jointly state that they would be satisfied if both petitions are disposed of in the terms that the Judgment and decree impugned herein be set-aside and respondent No.1 be given a fair opportunity of hearing and availing remedies before the Member (Judicial-I), Board of Revenue, Hyderabad, and if, aggrieved with his conclusion, to have every opportunity to avail his further remedies in accordance with law. Order accordingly.

The impugned Order dated 06.03.2024 passed in Civil Revision Application No.29/2023 by the learned Additional District Judge-II, Mirpurkhas is set-aside and the application under Section 12(2) CPC filed by the Government is allowed by consent of the parties. Also by consent, respondent No.1 states that he will first avail remedies before the Member

(Judicial-I), Board of Revenue, Hyderabad and in this regard, it is ordered that opportunity of a fair hearing be allowed to the Respondent No.1 before the Member (Judicial-I), Board of Revenue, Hyderabad and in this regard, the Respondent No.1 shall also be allowed a fair opportunity of going through the original record, based on which Order dated 26.03.2025 has been passed.

The Member (Judicial-I), Board of Revenue, Hyderabad, shall conclude the hearing of the matter preferably within 30 days from the date of passing this order, and no unnecessary delay shall be caused whereafter the Respondent No.1 may avail his remedies in accordance with law.

Both the petitions, therefore, stand disposed of alongwith listed applications in above terms. Copy of this order be kept in C.P No.36/2026.

JUDGE

Faisal