

ORDER SHEET

HIGH COURT OF SINDH, CIRCUIT COURT MIRPURKHAS

C.P No.D-37 of 2024

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

1. For orders on M.A No.4206/2024

2. For orders on M.A No.2437/2024

18.02.2026

M/s Ghulam Shabbir Mari and Muhammad Sachal Awan,
Advocates for the Petitioner

Mr.Mir Sarfaraz Ali Talpur, Advocate for respondent No.5

Mr.Ayaz Ali Rajper, Assistant A.G Sindh a/w Asadullah Memon,
XEN Thar Division, Mirpurkhas

Through this order, we intend to decide the listed contempt applications filed by the petitioner alleging willful disobedience of various directions earlier issued by this Court in the present petition as well as in connected matters.

2. The background of the proceedings is not in dispute. The petitioner had approached this Court seeking removal of alleged encroachments from the Irrigation Bungalow situated in Survey No.165, Deh Samathri, Taluka Sanghar. The petition was disposed of on 20.09.2023 with a clear mechanism for demarcation and handing over of possession to the Irrigation Department. Subsequent applications were filed alleging non-compliance, which led to further orders dated 02.09.2024, 30.09.2024 and 07.10.2024. Ultimately, in order to resolve the recurring controversy, this Court directed the Chief Secretary Sindh to constitute a committee comprising the Secretary Irrigation and Senior Member Board of Revenue to examine the matter and ensure compliance.

3. Pursuant to the said directions, the record reflects that a committee was duly constituted vide notification dated 14.10.2024. The committee convened its meeting on 31.01.2025 under the chairmanship of the Chief Secretary Sindh. The committee examined the entire dispute, reviewed the earlier orders of this Court and issued directions to the Deputy

Commissioner Sanghar and other concerned officers to identify the actual area of the Irrigation Department, remove illegal encroachments and hand over possession in accordance with law.

4. The compliance report submitted by the Deputy Commissioner Sanghar, which forms part of the record, shows that a joint team comprising the Mukhtiarkar, Survey Superintendent Mirpurkhas Division, officers of the Irrigation Department and police officials visited the site on 25.01.2025 and again on 04.02.2025. The report categorically states that all illegal encroachments, shops and houses, standing on Survey No.165 were identified, marked and subsequently removed. The Mashirnama placed on record confirms that possession of the entire land measuring 1-38 acres, including the Irrigation Bungalow, was formally handed over to the Irrigation Department. The mosque and school situated on the land were preserved in compliance with the earlier order dated 14.02.2023 passed in C.P. No.D-56 of 2022.

5. Learned counsel for the petitioner, however, has vehemently argued that the compliance is neither complete nor satisfactory. He submits that the reports are manipulated, that the demarcation is inconsistent with earlier measurements and that certain encroachments still exist. He further contends that the respondents have misled the Court and therefore deserve to be punished for contempt.

6. We have heard learned counsel at considerable length. The record placed before us, including the reports of the Deputy Commissioner, the Assistant Commissioner, the Survey Superintendent, and the Mashirnama, demonstrates substantial compliance with the directions of this Court. The petitioner has not been able to point out any material contradiction in the official record that would justify initiation of punitive action under the Contempt of Court Ordinance, 2003. Mere dissatisfaction with the outcome of administrative proceedings or disagreement with the demarcation cannot be equated with willful disobedience. Contempt jurisdiction is not intended to reopen concluded factual controversies nor to substitute the Court for the executive in matters requiring technical assessment.

7. It is also evident that the petitioner has been persistently filing one application after another, despite the fact that the matter has been examined repeatedly by this Court and by the highest administrative authorities of the Province. The committee constituted under the directions of this Court has completed its task. The land has been measured, encroachments removed and possession handed over. The petitioner's insistence on pressing contempt applications, in the face of substantial compliance, appears to be an attempt to prolong litigation unnecessarily.

8. Contempt is a serious matter. It cannot be invoked as a tool to exert pressure on public officials or to reopen issues already settled. The Supreme Court has consistently held that where compliance is substantially achieved, contempt proceedings cannot be used to revisit the merits of the case. The petitioner has failed to demonstrate any deliberate, intentional or contumacious disobedience on the part of the alleged contemnors.

9. In the circumstances, we are satisfied that the directions of this Court have been complied with in letter and spirit. For the foregoing reasons, the contempt applications are **dismissed**.

JUDGE

JUDGE