

ORDER SHEET

THE HIGH COURT OF SINDH, CIRCUIT COURT LARKANO

C. P No. D-302 of 2017

Date	Order with signature of Judge
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1. For order on office objection.
2. For non-prosecution of M.A No. 2335/2017.
3. For hearing of main case.

16-09-2026

Mr. Inayatullah G. Morio, advocate for the petitioner

Mr. Mohsin Ali Khan, A.A.G Sindh

Mr. Habibullah G. Ghouri, advocate for respondents No.8 and 9.

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Case of the petitioner is that he seeks removal of encroachment with his following prayers:-

- a) To issue writ directing respondents No.2 to 5, not allow the respondents No.8 and 9 from demolishing the graveyard and from raising construction over it.
- b) To direct the respondents No.4 and 5 to demarcate the separate the area of the grave yard.
- c) To direct respondent No.1 to conduct enquiry in respect of grant of S.NO.557, Deh Rato Kot in favour of respondent No.7 and after fixing responsibility, the concerned officers/officials may be dealt with in accordance with law.
- d) To direct respondents No.2 to 5 to prevent the private respondents form running Rice Mills within village premises in order to save lives of the villagers or alternating they should shift the Rice Mills to some other appropriate area.

The Mukhtiarkar Larkano (respondent No.5) has [filed](#) his comments. The relevant paragraphs No.7 and 8 are reproduced here with:

7. *According to the Revenue Record, vide entry No. 619 dated 17.03.1986 of V.F VII-B Deh Ratokot, an area of (02-12) acres stands entered in the name of Misbahuddin S/o Zainalubddin Isran i.e respondent No. 07, by way of permanent grant by Colonization Officer, Sukkur Barrage Hyderabad.*
Besides, as per entry No. 165 dated 21.07.1993 of V.F VII-B Deh Ratokot Rayati, the said Misbahuddin Isran respondent

No. 07, sold-out an area of 1,00,008 Sq: feets from his above mentioned granted area to M/S Mian Nazeer Hussain S/o Ali Gohar Khan Tunio, 02. Muhammad Ishaque Chawro (respondent No. 09) and 03. Abdul Fatah Chawro (respondent No. 08), in equal share through Registered Sale Deed under Serial No. 765 in the year 1992 before Sub Registrar, Kamber.

Subsequently, according to the entry No. 57 dated 17.07.2013 of V.F VII-B Deh Ratokot, Co-sharer Nazir Hussain Tunio sold-out his share measuring 33,340 Sq: Feets to M/S Muhammad Ishaque Chawro and Abdul Fatah Chawro (respondent Nos. 09 and 08 respectively), through Registered Sale Deed under Serial No. 1889 in the office of the Sub Registrar, Larkano in the year 2013.

8. The contents of this para as alleged by the petitioner, is partially admitted. However, on the site visit and measurement conducted by me personally, the factual position was that an area of (09-00) Ghuntas was found encroached by respondent Nos. 08 and 09 being the area of graveyard and mixed-up with the area of their Rice Mill from Eastern Side. So far question of remaining area of the Graveyard, the same is streamlined as under:-

1. Existing area of Graveyard (30-00) Ghuntas.
2. An area of (08-00) Ghuntas is under Houses of different villagers of Village Ratokot.
3. An area of (20-00) Ghuntas have come under N-55 Indus Highway Sehwan-Ratodero Road.

As alleged by the petitioner, respondents have constructed shops over the land of graveyard by demolishing graves, this allegation was found incorrect, whereas the respondents have constructed Shops on their own area of Western area of their Rice Mill.

In view of above, Deputy Commissioner, Larkana is strictly directed to remove the illegal encroachment and clear the boundaries of the graveyard.

Instant petition stand disposed as above.

Judge

Judge