Order Sheet

IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Revision Application No.S–32 of 2025

Date	Order with Signature of Judge

Applicant: Abdul Salam Khan S/o Abdul Rahim
through Mr. Jehanzaib @ Jansher Memon Advocate

Respondent Nos.1-7: Ghullam Mustafa S/o Abdul Hameed
Ghullam Rasool S/o Ghullam Mustafa
Yaar Muhammad S/o Ghullam Mustafa
Abdul Majeed S/o Abdul Hameed
Abdul Malik S/o Abdul Majeed
Abdul Fateh S/o Abdul Hameed
Tufail S/o Not known
through Mr. G.M. Laghari Advocate

Respondent Nos.8&9: SHO PS Matli and Mukhtiyarkar Revenue Matli
through Ms. Safa Hisbani, APG Sindh

Dates of Hearing : 29.10.2025, 12.11.2025 and 20.11.2025
Date of short order : 20.11.2025
Date of Reasons : 04.11.2026

JUDGMENT

Jawad Akbar Sarwana; J: Abdul Salam Khan-applicant/complainant is aggrieved by the Order dated 19.03.2025 **["impugned Order"]** passed by the learned Additional District and Sessions Judge, Matli, **["the Trial Court"]** in I.D. Complaint No.10 of 2025 filed by the applicant/complainant against the respondents/accused whereby the I.D. complaint was dismissed having no merits.

2. The appellant/complainant has alleged that in the instant complaint filed by him, he alongwith his brothers and sisters are allegedly shareholders of full rupee from agricultural land bearing Survey Numbers 26/1 (01-00), 26/2 (01-00), 26/8 (01-00), 26/9 (01-00), 26/12 to 16 (05-00), 27/ 1 to 15 (15-14), 30/1 (01-000), 30/5 to 7 (03-00), 30/9 to 14 (06-00), 32/9 to 16 (07-27), 2/1 to 7 (06-13), 3/1 (00-27), 3/2 (00-31), 5/10 (01-00), 5/1 1 (01-00), 5/13 to 16 (04-00), 6/3 (01-00), 6/4 (01-09), 5/13 to 16 (04-00), 6/3 (01-00), 6/4 (01-09), 6/7 (01-00), 6/8 (01-00), 6/11 (01-00), 6/12 (01-00), 7/1 (00-25), 7/8 (01-00), 7/9 (01-00), 8/1 to 8 (08-28), 9/1 to 8 (08-33), 10/1 to 06 (05-18), 11/1 (00-22), 11/2 (00-27), 12 (00-31), 13/1 to 5 (05-16), 14/1 to 4 (04-19), 19 (04-27), 14/4 (03-00), 205 (08-26), total admeasuring 115-33 access situated in Deh Kandraheki, Taluka Matli, District

Badin **["the subject property"]**. Such mutation counsel has argued was made in the Revenue Record vide entry Number 80 dated 09-01-1973. Counsel argues that the private respondents/proposed accused - adjacent residents - on 06.06.2024 at about 1200 hours unlawfully occupied Survey Nos. 3/1 (00-27) and 3/2 (00-31), totaling 01-18 acres **["the said land"]**, by force of weapons and threats, forced the complainant and his brothers to vacate the land. Despite approaching the Revenue Department, police and nekmards of the locality, no action was taken against the private respondents/proposed accused as allegedly they are influential persons and have refused to vacate the said land. Hence, the applicant/complainant sought recourse to the Illegal Dispossession Act to repossess the said land, but the complaint filed by the applicant/complainant was dismissed by the trial Court, and he remains unable to access the said land. Counsel for the private respondent/proposed accused has vehemently opposed the applicant/complainant's contentions.

3. Heard learned Counsel and APG. During the course of the proceedings, the Mukhtiarkar Revenue Taluka Matli (respondent No.9) submitted report dated 16.12.2024 as well as another report dated 27.10.2025 before this revisional Court which was taken on record. As per the reports, it was noted that while both reports mentioned that the private respondents/proposed accused "were in forceful possession of the land", the report did not disclose any dispute between the parties concerning the measurement and/or demarcation of the subject property. Additionally, as per the SHO's inquiry report available on pages 23 to 25 of the Court file, rendered in Sindhi, which was read out to me in Urdu with the assistance of the learned Deputy Prosecutor General and later on English translation was also provided, the same also made no reference to the above observations concerning whether there was a dispute between the parties over the measurement and/or demarcation of the subject property. Yet, the impugned Order of the learned Additional Sessions Judge, Matli, has observed that the applicant/complainant and private respondents/proposed accused had admitted that they were in dispute over the said land and that the complainant had admitted that a question of demarcation and measurement of the subject land was under contest between the parties. No such reference was found in either the pleadings or the primary documents relied upon by the learned Additional Sessions Judge, Matli. Accordingly, this Bench put counsel for the private respondents/proposed accused on notice to identify any such observation in the primary documents relied upon by the learned Additional Sessions Judge, Matli, in the impugned Order that would support his rejection of the complaint on the above grounds. Counsel could not point out anything from the record.

4. On 12.11.2025, the Mukhtiarkar Matli was in attendance in Court and candidly submitted that he had never disclosed to the trial Court that there were “certain disputes in between the parties over the measurement and demarcation of the subject property". The Mukhtiarkar's report dated 16.12.2024 contained no such disclosure. He further submitted that the observation recorded by the learned Additional Sessions Judge, Matli, that "the proposed accused are residing and holding the land" was an observation of the learned Sessions Judge, Matli alone and was not found in and/or upon any report submitted by him (the Mukhtiarkar). Regarding the legality or illegality of possession by the private respondents/proposed accused, he submitted that, as per the reports submitted to the trial Court and this revisional Court, the private respondents/proposed accused were in forceful possession of the land, which is/was to be read as “illegal possession” of the applicant/complainant’s said land. He submitted that, as per Form-VII-B, ownership of the said land vests in the applicant/complainant, Abdul Salam Khan. The Mukhtiarkar further clarified that, apart from the “forceful possession of the said land of the applicant/complainant by the private respondents/proposed accused, the Revenue record indicated that the said private respondents/proposed accused owned the land situated adjacent to the said land of the applicant/complainant and, to that extent, the private respondents/proposed accused continued to maintain and retain good title over such land.

5. Given the above developments, I allowed the instant Criminal Revision Application and set aside the impugned Order dated 19.03.2025 by my short order dated 20.11.2025 with direction to the learned trial Court to decide the complaint in accordance with law after recording evidence of the parties and affording them due right of audience.

6. Needless to observe that any findings recorded hereinabove are tentative in nature for the purpose of deciding this criminal revision application, and the trial Court will not be influenced by it and will try the case in accordance with law.

7. The above are the reasons for the short order dated 19.03.2025.

JUDGE

Asif