

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH AT KARACHI**  
**C.P. No.D-2174 of 2016**

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Date \_\_\_\_\_ Order with signature(s) of Judge(s) \_\_\_\_\_

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**Present:**

**Muhammad Ali Mazhar, J.**  
**Abdul Maalik Gaddi, J.**

Sahibzadi Shah Bano ..... Petitioner

Versus

Senior Member Board of  
Revenue & 5 others ..... Respondents

**27<sup>th</sup> January, 2017.**

Mr. Patras Piyara Advocate for the Petitioner.  
Mr. Ahmed Ali Ghumro Advocate for Board of Revenue.  
Mr. Sibtain Mehmood A.A.G. alongwith  
S.I. Sabo Khan of P.S. Gadap, Town.

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**Muhammad Ali Mazhar, J.** The brief facts of the case are that originally the land Na-Class No.243, admeasuring 8 acres was granted by the Deputy Commissioner, Karachi West in open katcheri held on 14.09.1989 in favor of one Muhammad Khan son of Allahando Khan for cultivating the land on Barani basis. However, the husband of the petitioner Sahibzada Ghulam Muhammad Khan applied to worthy Chief Minister, Sindh for conversion of the land for 99 years. Copy of application is available at page 45 of the court file in which he has brought it in the knowledge of the Chief Minister, Sindh that he has purchased the land from original owner and carried out boring for the water and agriculture activity. He requested in this letter to the Chief Minister, Sindh for conversion of land for 99 years for personal housing residential purposes as per law. One letter dated 02.03.2007 is also available on record at page 51 that was written by the Land

Utilization Department, Karachi to the Executive District Officer (Revenue), City District Government Karachi in connection with the application of the petitioner's husband that was received to the Chief Minister, Sindh and the Chief Minister, Sindh directed the concerned department to put up summary, therefore, E.D.O. Revenue was requested by the Section Officer, Land Utilization Department to furnish detailed report regarding availability of land, revenue sketch and price category of the land. Learned counsel for the petitioner also pointed out more annexure. Some more correspondence in this regard was initiated by the B.O.R., but the grievance of the petitioner is that the issue has not been resolved by the respondents in relation to the application moved by the petitioner's husband for conversion of the land. According to the letter dated 26.04.2007 written by the D.D.O. Revenue, Gadap Town to the District Officer Revenue, City District Government Karachi, the land in question fall in "A" category and the D.D.O. also conceded his no objection, if the land is allotted for 99 years to the applicant as per existing policy (this letter is available at page 57).

2. Learned counsel for the respondents No.1 to 5 referred to the reply filed by respondent No.5, which is allegedly based on verification of the record with Entry No.1422 dated 28.09.1995. The said entry shows that lease of 16 acres land in NC No.243 for Barani Cultivation for 30 years in the name of Muhammad Khan son of Allahando Khan, which was renewed for 30 years by the Deputy Commissioner Karachi West in open katcheri held on 14.09.1989. It is further stated that the petitioner's husband is not lease holder of 08 acres from Na-Class No.243 where Muhammad Khan shown as lessee. It is further stated that there is no land grant policy for grant of Barani leases for 30 years so the question of renewal in the name of Muhammad Khan

does not arise. The respondent No.5 has also denied the payment of Dhall charges and alleged that the petitioner managed the payment receipt of 16 acres. It is further alleged that the petitioner has managed some documents for the property in question and since there is no lease in the name of Sahibzada Ghulam Muhammad Khan, hence, present application by the Deputy District Officer, Gadap Town, requires verification.

3. The Irrevocable General Power of Sub-Attorney is attached with the case file to show that one Malik Muhammad Hanif son of Malik Karam Khan duly constituted attorney of Muhammad Khan has appointed the petitioner as sub-attorney to initiate the process and legal proceedings in connection with the land in question, which clearly shows that at present, her husband is not recorded owner of the land, but in his application, he has alleged that he has purchased the land and also paid up to date Dhall (lease money). In fact, Mukhtiarkar has also raised similar objection in his counter affidavit that the petitioner's husband is not recorded as owner but the land was granted in the name of Muhammad Khan in open katcheri. At the same time, we have seen some correspondence initiated on the basis of application moved by the petitioner's husband for conversion of land and the matter was also placed before the Chief Minister. Now at this stage, learned counsel for the petitioner wants that application filed by the petitioner's husband may be decided in accordance with law by the competent authority, which is pending since 2007. On which the learned counsel for B.O.R. as well as the learned A.A.G. have also no objection.

4. The contention raised by the parties vice versa clearly demonstrating controversial and disputed facts which cannot be

decided in writ jurisdiction. However, as a result of above discussion, the respondent No.1 is directed to decide the application of the petitioner's husband filed on 16.02.2007 within three (03) months in accordance with law. The applicant shall also be given fair opportunity of audience before the respondent No.1 and he may also place his case and produce relevant documents to show whether he has purchased the land lawfully from the present owner and entitled for the conversion in accordance with the law and government policy.

The petition is disposed of in the above terms.

JUDGE

JUDGE

*Faizan/PA\**