

**IN THE HIGH COURT OF SINDH,  
CIRCUIT COURT, HYDERABAD**

**C.P. No.D- 75 of 2019**

Present

Mr. Justice Muhammad Iqbal Kalhoro

Mr. Justice Adnan-ul-Karim Memon.

Muhammad Amjad Shaikh ----- Petitioner

Vs.

Muhammad Arif & others ----- Respondents

Date of Hearing: 28.02.2019

Mr. Tahir Nisar Rajput, advocate for the petitioner.

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**ORDER**

**ADNAN-UL-KARIM MEMON, J.** - Through the instant petition, the petitioner is seeking direction to respondents No.3 to 6 to cancel all the mutation of the all entries after the name of the petitioner father namely Muhammad Iqbal and restore the entry in the record of rights as well as other Khata and record of Mukhtiarkar office as well as City Mukhtiarkar/ Surveyor in the name of Muhammad Iqbal Son of Ferozuddin with respect to the shop bearing No. C-10/2478, Juramal Lane Shahi Bazar Hyderabad measuring area 34.5 sq. yds, and restore its original position on or before on 05.08.1971.

2. We queried from the learned counsel for petitioner as to how this petition is maintainable before this Court with regard to cancellation of certain revenue entries and for other reliefs as above.

3. In reply, Mr. Tahir Nisar Rajput, learned counsel for petitioner has argued that the petitioner has no any other efficacious and alternate remedy available under the law; that the petitioner is owner of shop bearing No.C-10/2478, Juramal Lane Shahi Bazar Hyderabad measuring area 34.5 sq. yds; that he was

dispossessed from his property by respondent No.1 on the premise that the subject shop had been purchased by him; that he moved various applications to the Regional Director Sindh Building Control Authority and on such application Regional Director wrote a letter to the Mukhtiarkar and Sub Registrar Taluka City Hyderabad for verification of ownership document of the subject property who disclosed that the name of the petitioner is mentioned in the record of rights and subsequent transaction has taken place. He lastly prayed for restoration of the subject property in its original position on or before on 05.08.1971.

4. We have heard learned counsel for petitioner and perused the material available on record.

5. In our view the relief which is being sought before this Court can be entertained by the Civil Court, which is the ultimate Court to determine the rights of the parties, and therefore petitioner shall approach the Civil Court instead of this Court for determination of his rights, if any, on the subject property. Even otherwise the dispute herein appears to be over sale and purchase transactions which is factual in nature and could be resolved only on the basis of evidence by the parties and such disputes cannot be entertained under the writ jurisdiction of this Court.

6. The result of above discussion is that this petition on the face of it is not maintainable, which is accordingly dismissed in *limine*, along with listed application(s) however, the petitioner is at liberty to avail legal remedy as provided to him under the law.

JUDGE

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