

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

**Present**

**Mr. Justice Muhammad Iqbal Kalhoro  
Mr. Justice Adnan-ul-Karim Memon.**

**C.P. No.D-1932 of 2013**

Muhammad Saleem @ Muhammad Soomar .....Petitioner

Vs.

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

Date of Decision: 05.03.2019.

Petitioner present in person.

Mr. Allah Bachayo Soomro, Additional Advocate General, Sindh.

Mr. Irfan Ahmed Almani, Mukhtiarkar Gothabad.

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**ORDER**

**ADNAN-UL-KARIM MEMON-J:** - Through the instant petition the petitioner has only prayed for issuance of direction to respondents to regularize the plot No.D/5 Deh Jamshoro Village Muhammad Dars out of Survey No.644 Qasimabad, Hyderabad.

2. Brief facts of the case are that petitioner is residing in village Muhammad Dars having constructed plot/house No.D/5 of Survey No.644, in Deh Jamshoro at village Muhammad Dars Taluka Qasimabad, Hyderabad since last 60 years; that the above village was declared as Gothabad scheme in the year 1987 as per Government Policy and is known as village Muhammad Dars Taluka Qasimabad, District Hyderabad; that the petitioner time and again approached the respondents for keeping the entries in the record of rights for last so many year but the respondents are not ready to do so on lame excuses; that petitioner has suffered a lot at the hands of official respondents and other unscrupulous people, hence this petition.

3. We asked from the learned AAG as to why the request of the petitioner has not been addressed since he has been agitating for his rights; he in reply to the query has submitted that the instant petition is not maintainable. On merits he has referred to the comments of Mukhtiarkar (Gothabad) Hyderabad who has stated therein that the village of petitioner has also been surveyed by the survey committee. As per record the petitioner is in possession of plot No.01 admeasuring 103 Sq. Yd in the said village. After survey by survey committee all relevant papers of said village alongwith other villages were sent to the Director (Gothabad) Board of Revenue, Sindh Hyderabad vide letter dated 07.05.2012 for regularization purpose and at present the same summary is lying there. However, needful will be done in a shortest possible time.

4. Petitioner who is present in person has submitted that on 17.10.2011 the respondent No.6 directed the Tapedar of the beat, who visited the plot and submitted report in his favor; that on 02.11.2010 the respondent No.5 sent a letter to the respondent No.4 regarding the proper examination of report but of no effect; that on 12.11.2010 the Executive District Officer (Revenue) Hyderabad also sent a letter to the respondent No.5 for the Regularization of plot No.D/5 Survey No.644 Village Muhammad Dars Taluka Qasimabad, District Hyderabad for further necessary action; that on 23.09.2010 the said Executive District Officer (Revenue) Hyderabad also sent a letter to respondent No.3 for the detail report and for regularization of Plot No.D/5 but no any progress till to date has been made; that the grievance of petitioner is genuine and he is lawful owner of the plot and there is no dispute over the said plot but respondent are not regularizing the same with malafide intentions. In support of his submissions he has relied upon various documents filed in the present petition and submitted that fundamental rights of the petitioner have been snatched by the official respondents; that he has been condemned unheard on each and every aspect of the matter; that the official respondents

are under obligation to act strictly in accordance with law but they have failed to perform their duty within the parameters of law. He lastly prayed for allowing the captioned petition.

5. We have heard the petitioner who is present in person as well as AAG and perused the record.

6. Looking through the above perspective and keeping in view the factual position of the case, we hereby infer that the Petitioner's case ought to have been considered for regularization by the Respondents in accordance with the policy and law as well as judgments rendered by the Honorable Supreme Court of Pakistan on the issue involved in the matter.

7. In the light of above facts and circumstances of the case, the instant Petition is hereby disposed of in the terms, whereby the Competent Authority/ Senior Member Board of Revenue is directed to consider the case of Petitioner for regularization of his subject plot in accordance with law within a period of two months from the date of receipt of this order.

8. The instant petition stands disposed of in the above terms along with listed application(s). The Competent Authority/ Senior Member Board of Revenue shall file compliance report after stipulated period, which shall be placed in the Court for perusal.

**JUDGE**

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