

IN THE HIGH COURT OF SINDH AT KARACHI

CP D 4054 of 2020 : Mst. Gulab Khatoon vs.
Province of Sindh & Others

For the Petitioner : In person

For the Respondents : Mr. Jawad Dero
Additional Advocate General Sindh

Date of hearing : 18.11.2020

Date of announcement : 18.11.2020

ORDER

Agha Faisal, J. This petition has been filed seeking the following relief:

- A. "To pass the kind order and directives to the respondent No.01 to conduct a comprehensive probe regarding big blunder committed by Respondent No.02-05 and take strict legal action against him in accordance with law, justice and equity and submit its reports before this honourable court.
- B. To pass the kind order and directives to Respondent No.01-02 to proceed auction proceeding of respective share of petitioner or to direct the private respondent to deposit the cost of respective share of petitioner before Nazir of court in the light of Shariah and thereafter the same may be released to the petitioner, till then the subject property may be seized and status-quo to be ordered..."

2. The petitioner was confronted with the issue of maintainability since the relief sought transgressed in to the realm of factual controversies, adjudication whereof was discouraged in writ jurisdiction¹; the matter ostensibly sought amendment of the record of rights, which was not generally amenable in Constitutional jurisdiction²; and the petitioner sought recovery of un-adjudicated amounts from a private respondent. The petitioner, appearing in person, was unable to satisfy us in respect of the maintainability hereof.

3. Learned Additional Advocate General submitted that the underlying grievance was a family dispute in respect of inheritance to land situated in Deh Mehni Taluka Sobho Dero District Khairpur Mirs³. It was stated that the relevant revenue record was in accordance with the law and that an appeal⁴ in such regard had also been determined. It was further submitted that a civil suit⁵ in such regard was also pending with regard to conflicting claims in

¹ 2016 CLC 1; 2015 PLC 45; 2015 CLD 257; 2011 SCMR 1990; 2001 SCMR 574; PLD 2001 Supreme Court 415.

² Per Nadeem Akhtar J. in *Abdul Hameed & Another vs. Province of Sindh & Others* reported as PLD 2019 Sindh 168.

³ Orders for entertaining this matter before the Principal Bench were passed by the honorable Chief Justice on 22.08.2020 under Rule 7 of the Sindh High Court Benches Rules 1987.

⁴ Revenue Appeal 15 of 2018 in the Court of ADC-I Khairpur; determined vide Order dated 15.07.2019.

⁵ First Civil Suit 65 of 2020 before the Court of the learned Senior Civil Judge Gambat.

respect of the land in question and the petitioner ought to have joined the aforementioned proceedings or maintained a civil suit of her own.

4. We have heard the petitioner and the learned Additional Advocate General Sindh and have also perused the record demonstrated before us.

5. It is apparent that the present petition is *prima facie* not maintainable; *inter alia* upon the grounds stipulated in paragraph 2 supra. The avenue of appeal pursuant to the hierarchy of the revenue laws and / or recourse to a civil suit remained available to the petitioner and she was always at liberty to exercise the same. However, no case has been set forth before us to warrant the exercise of writ jurisdiction in the present facts and circumstances, hence, this petition, along with pending application/s, is hereby dismissed.

JUDGE

JUDGE