

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD
C.P.No.D-2579 of 2018

DATE	ORDER WITH SIGNATURE OF JUDGE
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1. For orders on office objection
2. For hearing of MA-10345/18
3. For hearing of main case.

23.09.2019.

Mr. Nabi Bux Narejo, advocate for petitioner.

Mr. Muhammad Ismail Bhutto, A.A.G

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The petitioner by way of instant petition has sought for directions against the officials for cancellation of the land which is utilized for establishment of Housing Societies at Mirpurkhas, which according to him has been transferred fraudulently by the revenue officials in the names of some persons.

2. Executive Engineer, Jamrao Division Mirpurkhas, in his comments has stated that the land belongs to irrigation department and same in collusion with revenue officials has been occupied by some person and they have established Housing Societies therein.

3. It is contended by learned counsel for the petitioner that the petitioner being bonafide resident of Mirpurkhas has every right to challenge the wrong action within his notice and knowledge, which right according to him, the petitioner has exercised by filing the instant petition before this Court. By stating so, he sought for direction against the revenue officials to cancel the allotment of the land made to the societies or individuals.

4. Learned A.A.G has sought for dismissal of the instant constitutional petition by contending that it is incompetent.

5. We have considered the above argument and perused the record.

6. It is evident of the pleadings that, after allotment of the land the Housing Societies have been established therein by the individuals. No individual has been made party. No particular allotment order is produced. If, for the sake of argument, it is believed that the allotment of the land is illegal, even then, such allotment could not be cancelled by this Court in exercise of its constitutional jurisdiction without providing chance of hearing to individual allottees or Housing Societies most particularly when such allotment could adequately be challenged before Revenue / Civil Court having jurisdiction. Consequently, the instant constitutional petition being misconceived is dismissed accordingly.

JUDGE

JUDGE

Ahmed/Pa,