

**ORDER SHEET**

**IN THE HIGH COURT OF SINDH BENCH AT SUKKUR**

**C. P. No. D – 963 of 2021**

Date of hearing	Order with signature of Judge
-----------------	-------------------------------

**Hearing of case (priority)**

1. For hearing of CMA No.4390/2021 (S/A)
2. For hearing of main case

**09-11-2021**

Mr. Muhammad Rafique Rajput, Advocate for the Petitioner.  
Mr. Ahmed Ali Shahani, Assistant Advocate General Sindh along  
with Shah Nawaz Charan, Mukhtiarkar Pano Aqil and Riaz Ahmed,  
Assistant Superintendent Khairpur.

.....

Through this Petition, the Petitioner has sought the following relief(s):

- (a) *To direct the Respondent No.4 & 5 to demarcate the land bearing Survey No.99 admeasuring area of 01-10 acres of the Asaish land situated in Tapo and Deh Dadloi, Village Walidino Kuharo, Taluka Pano Aqil, District Sukkur, and to get construct the boundary wall to Asaish Land of Village.*
- (b) *To direct the Respondent No.02 to get vacate the Asaish Land of Village from Respondent No.08 and hand over the same to the nekmards of Village in order to construct the Eidgah over there.*
- (c) *To restrain the Respondent No.08 not to cultivate the Asaish land of Village and hand over the same to the Respondent No.02.*
- (d) *To award the cost of petition.*
- (e) *To grant any other relief which this Honorable Court may deems fit and proper.*

Comments were called and it has been stated that insofar as the land being claimed by Respondent No.8 is concerned, there appears to be no dispute that the said grant was made in his name and the same also appears to have been admitted by the Petitioner. The only case of the Petitioner is that some land has been encroached upon by Respondent

No.8, and in that case if the said land is a public property as claimed, the Petitioner can approach the Anti-Encroachment Tribunal. It further appears that on the same cause of action, some departmental remedy was also availed and an appeal stands dismissed.

In view of such position, we are not inclined to exercise any jurisdiction in this matter, therefore, the Petition stands **dismissed** with pending application.

J U D G E

J U D G E

Abdul Basit