

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

C. P No. D – 227 of 2018

Before:-

Mr. Justice Muhammad Junaid Ghaffar
Mr. Justice Zulfiqar Ali Sangi

Date of hearing: 15-12-2021

Date of decision: 15-12-2021

Mr. Muhammad Roshan Aslam, Advocate for the Petitioner
Mr. Sohail Ahmed Khoso, Advocate for Respondent No.1
Mr. Muhammad Habib Khan, Advocate for Respondents 7 and 8
Mr. Ahmed Ali Shahani, Assistant Advocate General
Mehmood Ahmed Babar Bullo, Mukhtiarkar Sukkur City on behalf
of Deputy Commissioner, Sukkur

ORDER

Muhammad Junaid Ghaffar, J:- Through this Petition, the Petitioner has impugned final demarcation report dated 20-01-2016 as being illegal with further declaration that all proceedings initiated on the basis of such report including the proceedings being carried-out by Respondent No.7 are also illegal and void.

2. Notice was ordered and today comments have been filed including a statement on behalf of Respondents 6 to 8 and it has been contended by the Respondents Counsel that the Petitioner in addition to filing of this Petition had also impugned order dated 07-09-2020 passed by Respondent No.7 by way of an Appeal and the said Appeal of the Petitioner stands dismissed vide order dated 25-11-2021. Petitioner's Counsel has been confronted with this factual aspect of the matter and in response, he is unable to satisfactorily respond except that the Petition is premised on different facts and passing of the said order has no relevancy. According to him the issue was also different and was also in respect of some other land.

3. We have heard all the learned counsel and perused the record.

4. When the prayer clause in the Petition is read, it appears that in this Petition it is not only the demarcation report dated 20-01-2016, which has been impugned; but at the same time the other prayer is to the effect that proceeding initiated by Respondent No.7 on the basis of the said

demarcation report be declared as illegal and void. It is a matter of record that such proceedings have already culminated by way of order dated 07-09-2020 against which the Petitioner by himself preferred an Appeal which also stands dismissed vide order dated 25-11-2021. Such facts, though surfaced after filing this Petition, but have never been brought in knowledge of this Court, either by way of statement or by amending the Petition, whereas, even otherwise the demarcation report of 2016 was impugned in 2018, when apparently such report had already been acted upon or was in process of being acted upon. It is also an admitted position that the petitioner had not been able to obtain any restraining order against the further proceedings based on the demarcation report.

5. Since the said impugned report admittedly stands acted upon, this Petition has now become infructuous and the proceedings initiated by Respondent No.7, which were also impugned in this Petition, have also culminated. Even the Appeal against the order of Respondent No.7 stands dismissed. In view of such position, the Petition stands dismissed as infructuous, whereas, the Petitioner if aggrieved with the final order dated 25-11-2021 passed by the Chairman, Evacuee Trust Property Board, Government of Pakistan, may seek remedy as may be available in accordance with law.

Judge

Judge

ARBROHI