

ORDER SHEET
**HIGH COURT OF SINDH CIRCUIT COURT,
HYDERABAD**

C.P. No.D-438 of 2015

[Shahnaz Akhtar versus Province of Sindh & Ors]

Before:-

Mr. Justice Nadeem Akhtar

Mr. Justice Adnan-ul-Karim Memon

Petitioner present in person

Mr. Rafique Ahmed Dahri, Assistant A.G Sindh

Date of hearing & Order: 17.11.2021

ORDER

ADNAN-UL-KARIM MEMON, J. - Through this petition, the petitioner is asking for issuance of writ of prohibition against the revenue authorities from issuing sale certificate in respect of disputed property till final adjudication of application filed by her under Section 12(2) before the learned civil court concerned.

2. This petition does not fall within the ambit of Article 199 of the Constitution. There is a misconception and trend that in any of the situations Article 199 of the Constitution can be invoked without availing and exhausting the remedy provided by law, on the ground of violation of fundamental rights guaranteed by the Constitution. As the petitioner has not been able to convince us that she has availed / exhausted remedy under the law before filing this petition, thus we are not inclined to entertain this petition for the reason that this is not the function of this Court to look into the matter of issuance or otherwise of sale certificate, which is the primary duty of the Revenue Officer under the Land Revenue Act and Rules framed there-under.

Besides, this Court has already settled the subject question in C.P. No. D-1578 of 2017 along with connected petitions vide common order dated 26.11.2019.

3. The petition stands disposed of with directions to the petitioner to approach the Mukhtiarkar concerned for such relief(s) if any who shall look into the matter under law.

JUDGE

JUDGE

Sajjad Ali Jessar