

**ORDER SHEET**

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

**C. P. No. D – 1234 of 2018**

Date of hearing	Order with signature of Judge
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**Hearing of case (priority)**

1. For orders on office objections at Flag-A
2. For orders on CMA No.4144/2019 (Ex./A)
3. For orders on CMA No.4145/2019 (C/A)
4. For orders on CMA No.1884/2019 (I Rule 10)
5. For hearing of CMA No.6501/2018 (S/A)
6. For hearing of main case

**02-03-2022**

Syed Jaffar Ali Shah, Advocate for the Petitioners.

Mr. Daman Ali Laghari, Advocate for Respondents No. 8 and the intervenors.

Mr. Ahmed Ali Shahani, Assistant Advocate General Sindh.

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Through this Petition, the Petitioner has impugned order dated 10-05-2018 passed in Land Grant Appeal No.03 of 2018 by Additional Commissioner-II, Sukkur Division, Sukkur. Learned Counsel for the Petitioners has taken us to the operative part of the impugned order, which reads as under:

*“I have perused original record of grant and contention of both parties. It has been brought to notice of this Court that respondent No. 6 Allah Warrayo s/o Khushi Muhammad is a practicing lawyer of High Court of Sindh and had remained advisor to the Chief Minister Sindh. The grant made in his favour seems out of policy, however, since the matter of grant of respondents has already been decided by Revenue authorities up to Board of Revenue, therefore the jurisdiction of this Court to entertain appeal on same matter is barred. However, during perusal of record of rights, it was brought into notice that mutation entries have been kept in record of rights on basis of A Forms of the grants. It is observed that grant made in favour of any grantee cannot be mutated in record of rights in favour of grantee until all installments are cleared by the grantee, the land is encumbrance free and its Transfer Order is also issued. Without completing these formalities, mere entry in record of rights on basis of A Forms is neither acceptable, nor in accordance to the prevailing rules and procedures. Therefore, while the question of grants made in favour of respondents, being already decided by the Board of Revenue, is beyond competency of this court to adjudicate upon, however, the mutation entries kept on A Forms are hereby ordered to be cancelled. The grants should only be*

*mutated in record of rights after issuance of T.O Forms as per prevailing policy. The appellant cancellation of grants of respondents, if he desires so.”*

From perusal of the aforesaid order, it appears that the Additional Commissioner after having come to a conclusion that he has no jurisdiction in the matter for various reasons including decision of the same under the hierarchy of the Revenue authorities, at the same time, has allowed the Appeal inasmuch as the mutation entries of the Petitioners have been directed to be cancelled. Not only this, while concluding his order, he has directed the Appellant to approach the High Court against orders of Revenue authorities for cancellation of grants of Respondents, if so desires.

We are unable to understand that as to how an officer, once coming to a conclusion that he has no jurisdiction, ordered cancellation of the entries, and also at the same time, gave directions to the Appellant to approach this Court for redressal of the grievance. The aforesaid order cannot be sustained in any circumstances. Accordingly, the said order is set aside and the Petition is **allowed**. The original record, summoned pursuant to earlier orders, be returned to the AAG's office.

The Petition stands **disposed of** with pending applications in the above terms.

J U D G E

J U D G E

Abdul Basit