

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

CP NO.D-7077/2015

Date

Order with signature of Judge

**PRESENT: MR. JUSTICE SALAHUDDIN PANHWAR &
MR. JUSTICE ADNAN-UL-KARIM MEMON**

16.09.2021

Mr. Mukesh Kumar advocate for petitioners.

Mr. Ali SafdarDebar, AAG alongwith Abdul GhaffarSoomro, IG
Registration and Hafeezullah Khan, focal person, SMBR.

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SALAHUDDIN PANHWAR, J. By order dated 26.10.2020 this petition was disposed of with direction to constitute a committee regarding promotions and appointment of Sub-Registrars but in consonance with the dictum, laid down by the apex court and relevant provisions of law with rider that if the committee finds any amendment necessary so as to make object and relevant law more effective then it can propose amendments in relevant laws. Thereafter this court by order dated 03.09.2021 enquired with regard to mechanism of transfer of property (registered documents) and finding involvement of NADRA in verifying identity of executant, it was directed that NADRA shall be involved by IG Registration and there shall be mechanism for verification and that no document shall be registered by the registration officer except verification through NADRA.

2. Pursuance to that IG registration present submits summary. According to him such summary is to be placed before the worthy Chief Minster which, *too*, after weighting by the law department. The summary for such mechanism should not be kept delayed when in earlier order the possibility of fraud and cheating thereby depriving true owners of their valuable properties in

particularly women stood discussed. It may also be added that such like fraud results in giving effect to a **registered document** which, regret to admit, compels the *bona fide* and lawful owners (defrauded persons) in a long lasting litigation. Thus, introduction of such mechanism should not be delayed and pending summary needs to be considered and approved. Accordingly, it is expected that such pending summary shall stand decided within fifteen (15) days.

2. The summary also includes proposal that Registrar shall be of BPS- 15 though in Punjab Province, Registrar is the post of BPS-17. Learned AAG Sindh contends that there is a cabinet decision that from BPS-5 to BPS-16 posts are to be filled through third party contract by reputable institution like IBA Karachi, IBA Sukkur/Agha khan foundation/NTS prometric system. The vitality of post of the **Sub-Registrar** can't be denied because he (Sub-Registrar), otherwise, was / is the person to *directly* examine completion of all legal formalities including identification of executant and his competence to execute, therefore, such post (s) need to be filled with **the best** only among the **better** who come forward in consequence of a transparent process of sifting. Accordingly, it is expected that subject to enforcement of referred **cabinet decision** this summary shall be approved if same satisfies all codal formalities within 15 days as was committed earlier; there shall not be delay and preferably it shall stand decided within 15 days and Recruitment Rules shall be framed within two months.

3. At this juncture learned counsel for petitioner submits details of officers (Registrars/Clerks) appointed on OPS/Acting Charge/allowed to work/Additional charge. Such list reflects

complete violation of the repeated orders of this court as well judgment of the apex court which, can neither be appreciated nor ignored. Therefore we issue contempt notice to RS&EP. He shall be in attendance and shall ensure that all officials, having charge of above categories, shall be withdrawn within three days as was / is requirement of Article 189 and 201 of Constitution. Further this court will also examine the tendency of violations caused to defy the orders of this court that how Member RS&EP has appointed them or allowed them to work on the posts of upper grade?.

To come up on 23.09.2021 at 11.00 a.m. when IG Registration and Senior Member Board of Revenue shall be in attendance. Office shall communicate the order to the Chief Secretary Sindh, Senior Member Board of Revenue and Member RS&EP for compliance.

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