

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

C.P. No.D-270 of 2019
C.P. No.D-352 of 2019
C.P. No.D-539 of 2019
C.P. No.D-558 of 2019
C.P. No.D-1794 of 2019
C.P. No.D-255 of 2020

DATE	ORDER WITH SIGNATURE OF JUDGE (S)
-------------	--

12.04.2022

M/s. Ahmed Murtuza A. Arab, Muhammad Noor Din Bhatti, Advocates for petitioners in C.P. Nos.D-270, 352, 558 of 2019 & 255 of 2020.

Mr. Muhammad Jamil Ahmed, Advocate for the petitioners in C.P. No.D-539 of 2019.

Mr. Mumtaz Ali Khushk, Advocate for the petitioner in C.P. No.D-1794 of 2019.

Mr. Allah Bachayo Soomro, Additional Advocate General, Sindh.

==

All petitioners' counsel argued the matter at length; in substance the petitioners have challenged the order of 4th January 2019 in terms whereof the Revenue entries, after taking a Suo Moto cognizance were cancelled. Aggrieved of it, the petitioners have availed the jurisdiction of this Court by impugning the said order. It appears that the Suo Moto action was taken despite the fact that it was the case of the petitioners that they were granted land after fulfilling all codal formalities. Without going into such details as to whether the petitioners were entitled and that the land was accordingly cancelled, we have inquired about the jurisdiction of this Court despite availability of forum of Member Board of Revenue. Learned counsel has taken us to a Judgment of this Court passed in the case of *Ghulam Abbas and 9 others* reported in [2012 CLC 754]. Counsel was again confronted with the Judgment of the Hon'ble Supreme Court in the case of *Commissioner Inland Revenue and others* reported [2022 SCMR 92] which provides that even if there is a jurisdictional error the grievance has to be presented and redressed before a forum as provided by the statute. The Appellate Authority is of a Member Board of Revenue which, in the case of many other allottees, has passed an order that some of

the aggrieved individuals were condemned unheard and remanded their case. Petitioners' counsels also seek same direction; however, since we do not enjoy jurisdiction we restrained ourselves from passing such orders. However, in case the petitioners intend to avail the same remedy before Board of Revenue, they may do so and limitation, if any, shall be considered by the Member Board of Revenue sympathetically in view of pendency of these petitions since 2019 and 2020 respectively. With this observation, the petitions along-with listed applications stand disposed of leaving the petitioners at liberty to approach the forum having jurisdiction in this regard.

JUDGE

JUDGE

Muhammad Danish