

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

C.P. No.D-1976 of 2021

DATE

ORDER WITH SIGNATURE OF JUDGE

20.04.2022

Mr. Abdul Hafeez Solangi advocate for petitioners.  
Mr. Allah Bachayo Soomro, Addl. AG Sindh.

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This petition is filed by some of the individuals claiming to be residents of a Goth. Counsel has primarily contended that they are the residents of a Goth since years and have now been attempted to be thrown out from the land in question. Learned counsel has taken us to the different Sanads issued in this regard and stated that due process has not been followed. Whereas, learned AAG submits that this is a government agricultural land and such revenue entries have been placed on record. He further submits that under Sindh Goth Abad Scheme Act an appeal may lie to the Collector of the District in respect of any action or order passed under the Act and revision to the Commissioner from the order passed by the Collector.

We have heard the learned counsel and perused the record. Although there is no such order which could enable the petitioners to file an appeal however the facts of the matter are said that these intricate questions that goes to the root of the entitlement of the individuals on the basis of Sanads cannot be agitated and proceeded under Article 199 of the Constitution. Learned AAG has seriously disputed the claim of the petitioners on the strength of the Sanads some of which has an area beyond limits prescribed by Sindh Goth Abad Housing Scheme Act 1987. The entitlement of the petitioners is disputed and hence we are of the view that petitioners may approach the authority / forum / court having jurisdiction in this regard i.e. civil court where the rights of these individuals on the strength of documents i.e Sanads could be adjudicated. This being the situation, the petition is dismissed along with pending application.

JUDGE

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