

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

C.P. No.D-1019 of 2011
C.P. No.D-1020 of 2011
C.P. No.D-1021 of 2011

DATE	ORDER WITH SIGNATURE OF JUDGE
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18-02-2020

Mr. Muhammad Arshad S. Pathan, advocate for petitioners.
Mr. Irfan Ahmed Qureshi, advocate for respondents.
Mr. Wali Muhammad Jamari, Assistant Advocate General.

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In this bunch of petitions the petitioners who claim to be allottee of newly allocated Sabzi Mandi, the Administrator of the Market Committee on the basis of allotment executed sale deeds. On the basis of such sale deeds the entries were made in the revenue record. At one point of time in the earlier round of litigation the cancellation order was challenged and the case was remanded to the Authority to act in accordance with law as the petitioners were not heard. The present controversy is again erupted as a cancellation order of allotment was passed, though after hearing petitioners.

We have heard counsels. No purpose would be served as far as cancellation of allotment order is concerned as now petitioners claim entitlement on the basis of the sale deeds. It is the case of respondents that the codal formalities have not been fulfilled and it was a fraudulent act and a collusive action between alleged allottees who were nowhere in the list as far as original allottees are concerned, and the Administrator. The parallel litigation was also initiated by some other allottees of the same plots whose suits were decreed, as argued by Mr. Qureshi, without impleading petitioners. Be that as it may, Mr. Qureshi concedes that as long as these sale deeds in favor of these petitioners exist, the right of subsequent lawful allottees in whose favor the sale deeds were executed could not be matured and the title would remain under a cloud as being disputed.

Thus the petitions are disposed of that unless and until legal proceedings are initiated, in respect of registered instrument by agitating the grievances before a forum having jurisdiction in this regard and ended up on merit, the sanctity of the sale deeds would remain as they are and the petitioners' possession shall remain intact. The respondents/ Market Committee would be at liberty to approach the relevant forum including the Civil Court for redressal of their grievance including but not limited to the cancellation of sale deed or otherwise and both sets of claimants be arrayed as party.

JUDGE

JUDGE

Irfan Ali