

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

**C. P No. D – 33 of 2019**

**Before:-**

Mr. Justice Muhammad Junaid Ghaffar  
Mr. Justice Zulfiqar Ali Sangi

**Fresh case**

1. For orders on CMA No.100/2019
2. For orders on CMA No.101/2019
3. For hearing of main case

**Date of hearing: 23-02-2022**

**Date of decision: 23-02-2022**

Mian Mumtaz Rabbani, Advocate for the Petitioner

**ORDER**

**Muhammad Junaid Ghaffar, J**;- Through this Petition, the Petitioner has sought the following reliefs;-

- (a) To direct the respondents No.2 to 4 to decide the applications of the Petitioner and to kept the entry of the above mentioned Ghat Wadh Form in Record of Rights of the Revenue Department, because the same Ghat Wadh Form has been issued after creating/made the small survey Numbers to the respondent No.04 vid letter No.ZB-65- dated 02-11-18 to the learned Mukhtiarkar Rohri/respondent No.4 for necessary entry in the Revenue Record and also pas the further directions the respondent No.5 to decide the application of the Petitioner as per law and to completely survey the land of 92-31/1-2 acres as per prayer of the above mentioned CP No.D-3572/2016, and to issue the new Ghat –Wadh Form with including the remaining land more than 13-00 acres with new small Survey Numbers which are adjacent with the land of the Petitioner from the land of the illegal, unlawful occupant namely Syed Qasim Ali Shah.
- (b) To award the cost of the petition
- (c) To grant any other relief appropriate in the circumstances.

2. It appears that earlier Petitioner had filed C.P No.D-3572/2016, which was disposed of vide order dated 22-03-2018 with directions to Revenue authorities / Respondents to demarcate the property within 30 days. In compliance of the said order, survey was carried out and the

report at page 31, which reflects that there are other persons who are also claiming possession of certain portion of the land. In that case, it is a disputed fact, which cannot be resolved through constitutional jurisdiction, hence the Petition being not maintainable is hereby dismissed with pending Applications, whereas, the Petitioner may seek appropriate remedy in accordance with the law.

**Judge**

**Judge**

ARBROHI