

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

C. P No. D- 1493 of 2015

Before;-

Mr. Justice Muhammad Junaid Ghaffar

Mr. Justice Zulfiqar Ali Sangi

For hearing of case (Priority)

1. For hearing of CMA No.4396/2015 (S/A)
2. For hearing of main case

25-01-2022

Mr. Ghulam Shabbeer Shar, Advocate for the Petitioner
Syed Jaffer Ali Shah, Advocate for Respondent No.3
Mr. Muhammad Hamzo Buriro, Deputy Attorney General
Mr. Shahryar Awan, Assistant Advocate General

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ORDER

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

“(a)” To declare that the acts of respondent No.3 to 5 are illegal, unlawful, contrary to law, while not paying/awarding the compensation to petitioner for acquiring his land for utilization of natural gas by respondent No.3 is illegal, unlawful, unconstitutional.

(b) To direct the respondent No.5 to award the accord value of agricultural land of Petitioner and fix the market value of land of Petitioner and to direct the respondent No.3 to pay the valued amount of agricultural land acquired by respondent No.3 for gaining natural gas and selling it to the market.

(c) To restrain the respondent No.3 not to remove the equipments and machinery installed over the well supplying the natural gas for commercial purpose of respondent No.3 till final decision of petition in hand.”

2. Notice was ordered and comments have been filed. Insofar as the concerned Assistant Commissioner and Mukhtiarkar are concerned, they have sated as under;-

“1. That we have gone through the contents of the above petition as well as verified the revenue record of survey Nos. 141, 142, 150, 151, 137 of Deh Kherap Tapo Khenwari Taluka Nara, annexed by the Petitioner as Annexure...A and humbly submit that the entry of the above survey Nos. are not available in our revenue record.

2. That, it is submitted that prior to the demand of the compensation of the land by the Petitioner, he has to prove his ownership over the same agricultural land.”

3. In view of the above, since the very ownership has been disputed and such issue cannot be resolved in this Constitutional jurisdiction. Accordingly, the Petition being misconceived is hereby dismissed with pending Application.

Judge

Judge

ARBROHI