

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

C.P. No.D-3320 of 2018

DATE	ORDER WITH SIGNATURE OF JUDGE
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Before:

Mr. Justice Muhammad Shafi Siddiqui
Mr. Justice Irshad Ali Shah.

30.03.2022

Mr. Muhammad Aslam Bhatti, advocate for petitioner.
Mr. Rafique Ahmed Dahri, Assistant Advocate General, Sindh.

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The petitioner by way of instant petition has impugned order dated 19.11.2017 passed by Assistant Commissioner Chamber District Tando Allahyar whereby he has ordered for partition of the subject land.

It is contended by learned counsel for the petitioner that the impugned order has been passed on Sunday being holiday, therefore, such order being illegal is liable to be set-aside.

Learned Assistant Advocate General, Sindh while making reference to the comments filed by Mukhtiarkar Revenue Taluka Chambar, has sought for dismissal of the instant petition by contending that the Revenue Officers could conduct the proceedings even on a date, which is notified as holiday.

Heard arguments and perused the record.

The order which is impugned before this Court was subject to its challenge before Revenue Appellate forum, such remedy being alternate and adequate has not been exhausted by the petitioner, for no obvious reason which appears to be significant. As per section 32

of the Sindh Land Revenue Act, 1967 no proceedings held before a Revenue Officer could be declared to be invalid only for the reason that those have been held on a date notified as holiday. Even otherwise, dispute with regard to the partition of the subject land involving factual controversy could not be resolved by this Court in exercise of its constitutional jurisdiction; consequently the instant petition being misconceived is dismissed accordingly.

J U D G E

J U D G E

*Muhammad Danish**