

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

C.P. No.D-68 of 2022

---

DATE

ORDER WITH SIGNATURE OF JUDGE

---

**Before:**

Mr. Justice Muhammad Shafi Siddiqui

Mr. Justice Irshad Ali Shah.

**06.04.2022**

Mr. Ghulam Shabbir Babar, Advocate for the petitioners.  
Mr. Rafique Ahmed Dahri, Assistant Advocate General, Sindh.  
Mr. Aayatullah Khuwaja, Advocate for private respondents.

==

The facts in brief necessary for disposal of instant constitutional petition are that Mst. Dhanjani Yasmin applied for issuance of sale certificate for the land under entry No.304 of Deh Phadro, Taluka Shujabad; it was not issued by Mukhtiarkar Shujabad because of some marginal order on such entry; it was challenged by her by preferring an appeal, it was disposed of by Additional Deputy Commissioner-I Mirpurkhas vide order dated 11.03.2020 whereby he cancelled the entry No.27 of DK Book No.12963 together with all the subsequent entries in revenue record with direction to Mukhtiarkar Shujabad to update the relevant revenue record accordingly; such order was impugned by Mst. Dhanjani Yasmin by making a revision application, it was disposed of by Additional Commissioner-I Mirpurkhas vide order dated 11.01.2021 whereby he set-aside the order passed by Additional Deputy Commissioner-I Mirpurkhas, such order was impugned by the private respondents through their attorney by preferring an appeal, it was disposed of by

Member (Judicial-II), Board of Revenue Sindh Hyderabad vide order dated 13.12.2021 whereby he impliedly restored the order of Additional Deputy Commissioner-I Mirpurkhas, such order is impugned by the petitioners before this Court by preferring the instant constitutional petition.

It is contended by learned counsel for the petitioners that Mst. Dhanjani Yasmin has not been heard by Member (Judicial-II) Board of Revenue Sindh Hyderabad before passing of impugned order; therefore, such order being violative of constitutional rights is liable to be set-aside.

Learned Assistant Advocate General, Sindh and learned counsel for the private respondents have sought for dismissal of instant petition by contending that Mst. Dhanjani Yasmin was heard through her attorney by Member (Judicial-II) Board of Revenue Sindh Hyderabad prior to passing of impugned order and she has also a remedy to exhaust before Civil Court having jurisdiction.

Heard arguments and perused the record.

Impugned order suggests that Mst. Dhanjani Yasmin was represented by her attorney Mir Manak before Member (Judicial-II) Board of Revenue Sindh Hyderabad; therefore, contention of learned counsel for the petitioners that she was not heard by Member (Judicial-II) Board of Revenue Sindh Hyderabad before passing of impugned order is devoid of force. The cancellation of the entries in revenue record amounts to denial of right of ownership, therefore, such denial could only be challenged by filling a declaratory Suit under section 42 of the Specific Relief Act before the Civil Court

having jurisdiction. No interference with the impugned order is called for by this Court in exercise of its constitutional jurisdiction; consequently the instant constitutional petition is dismissed accordingly together with the listed application.

**J U D G E**

**J U D G E**

*Muhammad Danish\**