

ORDER SHEET

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

**C. P. No. D - 184 of 2022**

Date of hearing	Order with signature of Judge
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**Fresh case**

1. For orders on office objections at Flag-A
2. For orders on CMA No.897/2022 (Ex./A)
3. For hearing of main case

**13.10.2022**

Mr. Muhammad Asim Malik, Advocate for the petitioners.

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1. Petitioners, through instant petition, seek directions to respondents No.6 and 8 [*Deputy Commissioner, District Ghotki @ Mirpur Mathelo and Mukhtiarkar (Estate), District Ghotki @ Mirpur Mathelo, respectively*] to keep / maintain entry in the record of rights for granting Survey Nos. 357 (02-15), 358 (02-05), 359 (03-00), 360 (02-27) and 502 (05-33), total admeasuring 16-00 acres, situated at Deh Ruk, Taluka and District Ghotki in favour of the petitioners in compliance of order dated 29.08.2018 passed by Member (Judicial-II), Board of Revenue, Government of Sindh and to put the petitioners in possession of the same.

2. It is contended by learned Counsel for the petitioners that the father of the petitioners, namely, Tajbar Khan, resident of Village Kiara, Tehsil Sawabi, District Mardan, Khyber Pakhtunkhwa, who being affected by construction of Tarbella Dam, was allotted land admeasuring 16-00 acres, bearing Khasra No. 302, situated at Deh Sutiaro, Chak No. 5, Tehsil Mirpur Mathelo by respondent No. 9 (*Project Director, Tarbella Dam, Project Resettlement Organization*). The father of the petitioners died and the land in question was transferred in the name of the petitioners and their mother through Form 'A' bearing Serial No. 56. Learned Counsel further contends that the petitioners requested to Guddu Barrage Authorities for delivering possession of the granted land, which was in illegal possession of the local persons, and the Guddu Barrage Authorities issued notices to the occupants, but they failed to get the said land vacated. Then the occupants filed Civil Suit No. 60 of 1985 against the petitioners and others,

which was dismissed by the learned Senior Civil Judge, Ghotki vide judgment dated 29.11.1990 and decree drawn on 03.12.1990. Against that, they preferred Civil Appeal No. 05 of 1991, which was dismissed for non-prosecution vide order dated 09.05.1996 by the learned Ist Additional District Judge, Ghotki. Even then the possession of the subject land was not handed over to the petitioners. Subsequently, vide order dated 27.07.2011, Member Judicial, B.O.R. cancelled the allotment of land, referred to above. Against that, the petitioners filed a Review Petition bearing No. S.Review/39/2012, which was disposed by the said Member Judicial, vide order dated 15.10.2012 with direction that if possible land referred to in prayer clause (*Paragraph No.1, supra*) may be granted to petitioner to accommodate him. Later on, Deputy Commissioner, Ghotki @ Mirpur Mathelo vide order dated 12.03.2013 declined the application of the petitioner for grant of proposed land of Deh Ruk holding that the said land is in possession of Agriculture Department. The petitioners then preferred C. P. No. D-3376 of 2013 before this Court seeking, *inter alia*, allocation of land in lieu of allotted land to their predecessor, which was dismissed by this Court vide order dated 17.11.2016 as withdrawn. Thereafter, on 01.02.2017, the petitioner No.1 preferred an appeal before Additional Commissioner-II, Sukkur Division Sukkur, which was dismissed being time barred in respect of aforementioned land referred above in Paragraph No.2. Against that order, the petitioner No.1 preferred Revision under Section 164 of the Sindh Land Revenue Act, 1967, which was rejected by Member (Judicial-II), B.O.R. directing to Deputy Commissioner, Ghotki @ Mirpur Mathelo to provide alternate land to the petitioners in lieu of the land granted to their deceased father.

3. It appears that the petitioners have not yet been granted the land referred to in prayer clause. On the contrary, it is a matter of record that the Revenue Authority viz. Member, Board of Revenue, Sindh, vide order dated 29.08.2018, passed in Revision Application under Section 164 of the Sindh Land Revenue Act, 1967, bearing Case No. SROR-46/2017, had directed the Deputy Commissioner, Ghotki to grant alternate land in lieu of the land granted to petitioners' deceased father, but the petitioners, instead of availing their remedy before the Deputy Commissioner, Ghotki have filed instant petition for mutation of the land which has not been

granted to them and as per order of Deputy Commissioner, Ghotki @ Mirpur Mathelo, dated 12.03.2013, the same is not available for disposal as it stands already entered in the name of Agricultural Farm Ruk and is in possession of Agricultural Department.

4. Accordingly, this petition, being devoid of any merits, is **dismissed in limine** along with listed application.

JUDGE

JUDGE

Abdul Basit