

ORDER SHEET

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

C. P. No. D - 73 of 2020

Date of hearing	Order with signature of Judge
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Hearing of case (priority)

1. For orders on office objections at Flag-A
2. For hearing of CMA No.365/2020 (S/A)
3. For hearing of main case

22-11-2022

Mr. Shahryar Imdad Awan, Assistant Advocate General Sindh
Ishrat Ali Bhatti, Assistant Executive Engineer Irrigation Bund,
Sub-Division Gambat.

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None present for the petitioner. The petitioner, through instant petition, sought declaration that the impugned notices dated 11-12-2019, issued by respondent No.10 (*SDO Bund, Sub-Division Gambat*) directing the petitioner to remove the encroachment from Government Bund, are null, void, *ab initio* and against the law on the ground that the TPO Pir Jo Goth in his report has clearly mentioned that the petitioner party is not the encroacher.

In response to the petition, joint comments have been filed by respondents No.5, 6, 7 & 10. Para-2 & 3 thereof being relevant are reproduced as under:

"2. Admitted to the extent that S. No. 1281 belongs to the petitioner as per deh Form submitted to Honourable Court, but he has illegally occupied and encroached upon protective bund Bhatti Pir Qasim Bund where the petitioner has illegally planted date palm trees and has cultivated the area petitioner's brothers Inayatullah, Nadir Ali and such notices have been issued against Nadir Ali and Inayatullah for vacating the encroachment from Irrigation Bund area. After verification the bund register and in

light of report of joint survey and identification team of Irrigation revenue and survey department.

3. *Denied. The protective Bund was constructed in 1934, but the petitioner's brothers, illegally occupied and encroached upon Irrigation Land of Pir Qasim Bund as stated above. For the sake of brevity the reply of Para No. 2 be treated as per of reply of para No.3."*

Since as per the comments, the petitioner and his brothers have encroached upon protective bund (*Bhatti Pir Qasim Bund*), the petition being devoid of any merit is **dismissed** along with listed application, leaving the respondents at liberty to take action against the alleged encroachment in accordance with law.

JUDGE

JUDGE

Abdul Basit