

ORDER SHEET

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

**C. P. No. D - 1282 of 2019**

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

1. For hearing of CMA No.8492/2021 (I Rule 10)
2. For hearing of main case

**10.11.2022**

Mr. Abdul Wahab Shaikh, Advocate for the petitioner.  
Mr. Ali Raza Baloch, Assistant Advocate General Sindh.

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1. Through instant petition, the petitioner seeks directions to respondents No.4 and 5 (*Deputy Commissioner, Khairpur and Assistant Commissioner, Sobhadero respectively*) to comply with the directions as per reminder letter dated 13.04.2017 and final reminder letter dated 12.12.2017 issued by respondent No.3 (*Deputy Director, Anti-Corruption Establishment, Sukkur*). The petitioner also seeks directions to respondents No.2 and 3 to conduct 'open enquiry' against respondent No.6 on the basis of first enquiry conducted by the Revenue authority, and in case cognizable offence is made out, the case may be registered in accordance with Anti-Corruption Law.

2. It is alleged that the father and uncle of the petitioner own agricultural land as per details mentioned in the petition and the petitioner is enjoying peaceful possession of the same. It is also alleged that the respondent No.6 (*Tapedar/Supervisor Muhammad Pariyal Dayo*), after receiving bribe, made false entries vide Entry No.382 dated 10.02.2007 in the name of Muhammad Nawaz in respect of Survey No.512 (*2-19 acres*) and others of Deh Rukrani, Entry No.282 dated 08.05.2004 in the name of Allah Warayo in respect of Survey No.514 (*2-8 acres*) and others of Deh Rukrani and Entry No.431 dated 10.06.2008 in the name of Shah Nawaz in respect of Survey No.524 (*2-7 acres*) and others of Deh Rukrani. It is case of the petitioner that at his application, respondent No.3 recorded his statement dated 28.02.2017 and places the matter before respondent No.2 on 20.03.2017, seeking approval for conducting 'open

enquiry', which was approved and decided, yet respondent No.4 paid no heed to the letter of respondent No.3 dated 21.03.2017. It is further case of the petitioner that respondents No.4 and 5 are reluctant to submit enquiry report before respondent No.2 for further proceeding in accordance with Anti-Corruption Law; hence, instant petition was filed.

3. In response to the petition, respondent No.3 has filed his comments, which reflects that the matter is under process with the Assistant Commissioner, Sobhodero and after receiving his report, the same would be placed before the competent forum for obtaining permission for open enquiry if cognizable offence under ACE Schedule is made out.

4. We are of the view that the petitioner has appropriate remedy for his grievance before the Anti-Corruption Court concerned by moving an application in accordance with law; hence, this petition is **dismissed** along pending application, leaving the petitioner to approach to relevant competent forum.

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Abdul Basit