

Order Sheet

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

C. P. No. D-423 of 2021

DATE	ORDER WITH SIGNATURE OF JUDGE(S)
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1. For orders on office objections.
2. For hearing of M.A. No.1964/2023.
3. For hearing of main case.

16.03.2023

Petitioner present in person.

M/S Miran Muhammad Shah AAG, Allah Bachayo Soomro AAG and Syed Mohsin Hussain Shah AAG Sindh a/w Syed Ahmed Ali Shah Member R&S, Abdul Wajid Shaikh Secretary-cum-Director LARMIS and Zulfiqar Ali Khushik IG Registration.

An application has been submitted by learned AAG on behalf of the Chief Secretary Sindh seeking his exemption from personal appearance. For the reason stated in the application, the same is allowed.

Copies of the minutes of the meeting held on 13.03.2023 and the summary dated 14.03.2023 prepared in pursuance thereof for the Chief Minister Sindh have been placed on record by learned AAG. The order passed in the present case on 09.03.2023 that the Service Centre mentioned and defined in Sub-Section 23-A of Section 4 of the Sindh Land Revenue Act, 1967, cannot be called by any other name and its name must be in line with the name and definition provided for in the said Sub-Section, is mentioned in paragraph 2 of the said minutes and in paragraph 5 of the above summary prepared for the worthy Chief Minister Sindh. It is significant to note that in paragraph 3 of the summary, it is stated that the naming of Service Centre as Peoples Service Centre was without any written approval of any competent authority / forum. Despite this admitted position and the direction given by this Court, no material has been placed on record to demonstrate that the Government of Sindh has taken steps / action for correcting the name of the Service Centre as directed by this Court. Accordingly, the Chief Secretary Sindh is directed to ensure compliance of this Court's order in letter and spirit and to file compliance report along with supporting documents to show that compliance has been made.

The petitioner, who is appearing in person, submits that he has prayed in this petition that the office order dated 30.09.1996 (page 85) and corrigendum dated 25.05.1997 (page 87), being contrary to the provisions of the Sindh Land Revenue Act, 1967, and the Registration Act, 1908, be

declared as void and inoperative. Vide aforesaid impugned office order, respondent No.3 / the Member (RS&EP), Board of Revenue Sindh, had directed that in order to affirm the ownership of land, a copy of Village Form No.VII or certificate duly countersigned by the Taluka Mukhtiarkar should be placed on record by Sub-Registrars before registering a transaction ; and vide impugned corrigendum, he had directed that in addition to Village Form No.VII a sale certificate duly countersigned by the Taluka Mukhtiarkar should also be placed on record for the above purpose. It may be observed that in view of establishment of Service Centers under the new Sub-Section 23-A ibid, the above directions given by respondent No.3 had actually become ineffective and as such the same were / are not required to be followed or acted upon. This being the position, the Service Centers ought to have been made fully functional by the Government of Sindh for all the purposes mentioned in Sub-Section 23-A ibid as soon as the said Sub-Section was inserted in the Land Revenue Act, 1967, through an amendment made in the year 2013.

Learned AAG and the officials present in Court state that the Service Centers established under Sub-Section 23-A ibid in the district headquarters of 27 districts of Sindh are functioning since the year 2016. They, however, concede that the Service Centers are not fully functional for all the purposes mentioned in the said Sub-Section. On behalf of respondents 1, 2 and 3, they undertake that the Service Centers shall be made fully functional for all the purposes mentioned in Sub-Section 23-A ibid i.e. maintenance of computerized record of rights, mutation, transfer, execution and registration of deeds, certified copies of computerized record of rights and other matters connected to computerized record of rights, within ninety (90) days. Compliance report in this behalf shall be submitted by the Chief Secretary Sindh. To be listed immediately after submission of compliance report.

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