

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
Suit No. 300 of 2023

DATE: **ORDER WITH SIGNATURE(S) OF JUDGE(S).**

For hearing of CMA Nos.

1. 6218/2023
2. 6219/2023
3. 7604/2023
4. For orders on Nazir's Report dt. 22/8/2023

23.08.2023

Ms. Fareeda Mangrio, Advocate for the Plaintiff.

Mr. Mehran Khan, Assistant A.G. Sindh.

Mr. Aijaz ul Hassan Khan, Mukhtiarkar Scheme-33,
is present.

4. Nazir's Report dated 22.08.2023 is taken on record subject to any objection. The gist of the Nazir's Report is that no access is left to the suit land of the Plaintiff because of the obstruction created by raising boundary wall. Photographs are attached with the Report.

Learned Assistant A.G. Sindh states that Entry in favour of Zulekhan and other owners has been cancelled in a Suo Moto Proceeding; hence, Plaintiff's claim is bogus.

In order to ascertain the veracity of claim of Plaintiff, the Written Submission / Report of Defendant No.4 and documents appended therewith is perused. The Written Statement is also filed on behalf of Defendant No.4, which is Annexure 'D' with the Report, which is submitted by Mukhtiarkar to learned Nazir. According to Annexure 'D', the history of different entries is given. Entry No.20 belongs to one Mst. Zulekhan daughter of Soomar, whereafter Entry No.33 is in favour of present Plaintiff.

The registered Lease Instrument is executed by Zulekhan daughter of Soomar through her attorney in favour of Plaintiff [*at page-21 of Court's File*], therefore, *prima facie*, Official record is tallying with the registered instrument relied upon by Plaintiff for his entitlement to the subject land. However, learned Assistant A.G. Sindh states that since the mother entry of

this land dated 01.01.1969 was cancelled in a subsequent *suo moto* proceeding vide Order dated 07.01.2010; thus, no claim is maintainable. The said Order is Annexure 'E' with the Record, relied upon by Official Defendants through A.A.G. It is correctly pointed out by Plaintiff's counsel that it pertains to Deh Bitti Amri and at the first page word 'Bitti Amri' is scored off with pen and upon it '**Thoming**' is mentioned, in which the present subject land is situated. This apparent contradiction is also proved by the second page of this Order in which it is mentioned that entries in favour of owners of Deh Bitti Amri, Scheme-33, Karachi, are fake / fictitious and stand cancelled.

This glaring interpolation in the official record cannot be done by any outsider except the Revenue Officials themselves. Learned Advocate General Sindh will issue necessary instructions to the Department for carrying out the inquiry and submission of Report to the Advocate General Sindh Office within four weeks from today.

This ground reality cannot be ignored that recent surge in property related litigation is due to the collusion and dishonest acts of Government Officials; many of them are even involved in land grabbing. The Chief Secretary should take immediate notice of this alarming situation, which can lead to deterioration of law and order situation in the City of Karachi.

In view of the above, injunction application-C.M.A. No.6219 of 2023, stands disposed of. However, till the disposal of the case, Plaintiff and Defendants shall maintain *status quo* and no third party interest will be created. Mukhtiarkar, present today, shall ensure proper access of Plaintiff to the suit land and obstruction will be removed within three days, with the aid and assistance of Local Administration. Consequently, applications-C.M.A. No.6218 and 7604 of 2023, are also disposed of.

To come up on **19.09.2023**.

Copy of this order be sent to_

1. Learned Advocate General Sindh; and
2. Worthy Chief Secretary, Government of Sindh.

Riaz / P.S.

Judge