

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Crl. Revision Application No.S-25 of 2023

(Abdul Khalid Buriro Vs. The State & others)

DATE OF HEARING	ORDER WITH SIGNATURE OF HON'BLE JUDGE.
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1. For orders on Office objection at flag-A.
2. For hearing of main case.

27.05.2024

Mr. Riaz Ali Shaikh, Advocate for applicant.
 Mr. Mansoor Hussain Maitlo, Advocate for respondents.
 Miss. Shabana Naheed, Assistant P.G for the State along with
 Zahid Shah Mukhtiarkar (Revenue) Rohri is present.

Adnan-ul-Karim Memon J:- This Crl. Revision Application has been preferred by the applicant Abdul Khaliq against the order dated 04-03-2023 passed by the learned Additional Sessions Judge-IV Sukkur in Illegal Dispossession Complaint No. 01 of 2023 under Section 3, 4, & 5 of the Illegal Dispossession Act, 2005 whereby his complaint was dismissed on the premise that no offence under the Illegal Dispossession Act, 2005 was made out and he was directed to approach the Civil Court.

2. This Court vide order dated 13-05-2024 directed Mukhtiarkar Revenue Taluka Rohri to submit report about the ownership of subject property and possession thereof. Today Mukhtiarkar has furnished his report which is taken on record subject to all just exceptions an excerpt of the report is reproduced as under:-

S.No.	Entry No. & date of Revenue record	Previous owner	Present Owner.	Remarks	Possession holder
01	VII-A entry No. 53 dated 01-07-1985	Noor Muhammad s/o Waryam Mangi 0-50 paisa	Abdul Khaliq Buriro (Applicant)	As per compromise decree dated 11-12-2021 passed by Honourable IInd Senior Civil Judge Sukkur Old F.C Suit No. 137/15 & New F.C Suit No. 103/15, area (11-30 acres)	On the site one Sain Dino s/o Faiz Muhammad Mahar possessed area (11-30) acres
02.	VII-B Entry No. 496 dated 06-12-2008	Syed Wadhal Shah & ors	Abdul Khaliq Buriro (Applicant)	As per decree passed by Honourable IInd Senior Civil Judge Sukkur in F.C Suit No. 64/2001 & Ex.A No. 71/, area (41-30) acres entered in favour of Abdul Khaliq (Applicant)	On the site application Abdul Khaliq Buriro and his sons possessed the area (41-30) acres)
03.	VVV-B entry No. 128 dated 11-10-2013	Abdul Khaliq Buriro	Abdul Malik s/o Abdul Khaliq Buriro	Entry has been kept on the basis of register sale deed	On the site area admeasuring 20-00 acre possession by Abdul Malik Buriro (son of applicant)
04.	VII-B entry No. 138 dated 06-03-2014	Abdul Khaliq Buriro	Muhsan Khan and his (3) three brothers sons Abdul Khaliq Buriro	Entry has been kept on the basis of register sale deed	On the site area admeasuring 11-30 acre possessed by Muhsan Khan and other three sons of applicant Abdul Khaliq Buriro
05.	VII-B entry No. 573 dated 15-12-2022	Syed Wadhal Shah s/o Shahbaz Dino Shah	Sobo s/o Jhangal Dool	Entry has been kept on the basis of register sale deed	On the site area admeasuring 10-00 acres possessed by Sobo s/o Jhangal Dool
06.	VII-B entry No. 574 dated 15-12-2022	Syed Wadhal Shah s/o Shahbaz Dino Shah	Gul Bahar s/o Gullan Khan Mahar	Entry has been kept on the basis of register sale deed	On the site area admeasuring 15-00 acre possession by Gul Bahar Mahar.

3. The aforesaid stance has been refuted by the learned counsel for the private respondents with the narration that civil proceeding are pending before the learned trial Court as such no concrete findings could be given. Be that as it may, I am of the tentative view that the Deputy Commissioner Sukkur and SSP Sukkur shall ascertain the factual position of the case and Illegal occupation of the subject land by the land grabbers if any after Court orders and submit their detail report on the next date of hearing, thereafter appropriate order including the direction to the trial Court to take possession of the subject land and regulate its affairs till decision of the lis on merits.

4. Relist just after summer vacation. The copy of this order be forwarded to Deputy Commissioner Sukkur and SSP Sukkur for compliance.

JUDGE