

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

**Civil Revision No.S-64 of 2016**

**(Federation of Pakistan & others v. Haji Allah Wasayo & others)**

Date of Hearing: **16-09-2024**

Date of Decision: **16-09-2024**

M/s Muhammad Imran Khan and Dareshani Ali Haider 'Ada', Deputy Attorney General for the applicants.

Mr. Sarfraz A. Akhund, Advocate for Respondent No.1.

Mr. Ghulam Abbas Kubar, Assistant A.G-Sindh.

## **ORDER**

**Zulfiqar Ahmad Khan J.**- Counsel for applicants states that the controversy at hand is reduced to a minimum particularly when the respondents had admitted that they had purchased a piece of land which is two furlongs away from railway station near Azam colony, Khaipur and 200 feet away from one side of railway tracks, which land was earlier granted for 99 years lease to late Muhammad Bux Soomro, elder of the applicants through registered lease deed dated 28.11.1985 and physical possession of the plot admeasuring 5000 sq.ft was also handed over to the applicants' elder Muhammad Bux who became owner of the same after execution of registered lease deed. Where after, said Muhammad Bux developed the plot and constructed boundary wall on the subject plot. After the death of Muhammad Bux, the plot devolved onto his legal heirs and such plot does not form part of any railway land.

**2.** The controversy at hand is that per learned counsel for applicants, the land of 5,000 sq. ft. has been illegally stretched to encroach the railway land falling within the prohibitory area of 200 feet from Railway Tracks which need to be maintained from both sides of the tracks. Counsel for respondents insists that his clients have not encroached upon any railway land and the respondents are still occupying the property as per sale deed admeasuring 5,000 sq.ft. The trial Court allowed the claim of the legal heirs of late Muhammad Bux on the ground that there was a

registered sale deed and the same ground was also taken by the appellate Court. However, counsel for the applicants submits that they are not challenging the sale deed except that the area currently occupied by the respondents exceeds 5,000 sq.ft. from the area given through the sale deed and the trial Court's judgment suggests that the sale deed was seen and returned as no copy of such sale deed is available in R&Ps.

**3.** Be that as it may, this Civil Revision is **allowed** to the extent that the respondents will only occupy the area designated and marked in their sale deed to a maximum of 5,000 sq.ft. and that not to fall within 200 feet of the Railway Tracks, as well the applicants would be at liberty to remove any encroachment within 200 feet from Rail Tracks and take the land therein into their possession.

**J U D G E**

Ahmad