

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
Suit No.377 of 2023

Date	Order with signature of the Judge
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1. For orders as to maintainability of Suit.
2. For hearing of CMA No.6210 of 2024.

23.09.2024

Mr. Naeem Suleman, Advocate for the Plaintiff.
Mr. Akhtar Ali Mastoi, Advocate for Board of Revenue.
Mr. Sandeep Malani, AAG.
Mr. Qamar Raza Bloch, Secretary L.U.
Mr. Aziz Chandio S.O. Litigation, L.U. Board of Revenue.

It is not disagreed that this *Lis* can be decided on the basis of record and legal Issue.

Mr. Qamar Raza Bloch, the Secretary Land Utilization Department is present. He was specifically quarried about his stance in Paragraph-3 of the Written Statement and the Impugned Cancellation Letter of 02.03.2023. The Secretary replies that he has scrutinized the record and the amount has been paid into the Public Exchequer; however, the above Letter was issued because the outward number is not tallying.

Following legal Issue is framed_

- i) Whether the Impugned Letter dated 02.03.2023, *inter alia*, withdrawing the Letter No.01-22-02/SO-VII/524/2023, is justified and lawful?
- ii) What should the Order be?

The Sindh Land Committee has given the Decision of regularization subject to payment of differential Malkano vide Missive dated 25.08.2022 (at page-95). The other important factor is, as confirmed by the above Officer, that differential Malkano has been received by the Government. If the Government Exchequer is not deprived of the assessed amount [differential Malkano], then, no fraud is alleged to have been committed by the Plaintiff, as stated in the Impugned Letter, as ground for cancellation.

Thus, in these undisputed circumstances, the issuance of the Impugned Cancellation Letter was not justified.

Such trivial matters should have been decided at the Departmental level by the functionaries, instead of shying away from their responsibilities and obligations. The conduct of the officials is deplorable. Without scrutinizing the record, the Impugned Cancellation Letter was issued, which is not a proper exercise of authority and power; consequently, the Impugned Letter is set-aside.

In view of the above, this Suit is partly decreed only to the extent of Prayer Clauses “A” and “D”. All pending Application(s), if any, are also disposed of.

M.Javid PA

JUDGE