

ORDER SHEET
**IN THE HIGH COURT OF SINDH, CIRCUIT COURT,
MIRPURKHAS**

C.P No.D-1765 of 2024

[Obhayo Khan vs. Province of Sindh and others]

Date	Order with signature of the Judge
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Before:

**Justice Zulfiqar Ali Sangi
Justice Arbab Ali Hakro**

16.01.2025

Mr. Muhammad Asif Shaikh, Advocate for the Petitioner

ARBAB ALI HAKRO, J:- Through this petition under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, the petitioner seeks compliance with the Order dated 30.11.2010, passed in C.P No.S-477 of 2010, as well as the restoration of revenue entries dated 18.05.2022, in respect of C.S Nos. 641, 642, 643, and 645, Ward-B, near Chaniya Masjid, Umerkot Taluka, and District Umerkot, which were cancelled by the Assistant Commissioner, Umerkot.

Having meticulously heard the learned counsel for the petitioner and having scrupulously perused the available record, including the contents of the petition. The cardinal principle of locus standi necessitates that only a litigant with a direct and substantive interest in the subject matter of the adjudication possesses the standing to institute such a petition. In the present matter, an exhaustive perusal of the memo of C.P No.S-477 of 2010 incontrovertibly reveals that the petitioner herein is conspicuously absent from the list of parties. Ergo, the petitioner is bereft of the essential locus standi to pursue compliance with an order to which he is not privy. The deficit of locus standi constitutes a substantial legal obstacle, justifying the dismissal of the petition ab initio. It is an axiomatic precept of jurisprudence that where an efficacious alternative remedy is extant within the statutory framework, the invocation of the extraordinary writ jurisdiction under Article 199 is unwarranted. The petitioner, aggrieved by the abrogation of his revenue entries by the Assistant Commissioner, Umerkot, is endowed with a statutory recourse available before the Revenue authorities within the hierarchical echelon of the revenue apparatus. The existence of such an alternative remedy obviates the necessity for relief via the instant petition. The petitioner's omission to exhaust the extant legal remedies renders the present petition legally indefensible.

In view of the foregoing discourse, it is manifest that the petition is devoid of substantive merit and stands barred both on the ground of locus standi and due

to the existence of an alternative remedy. Consequently, the petition is **dismissed** in **limine**. These reasons underpin the short Order pronounced on 15.01.2025.

J U D G E

J U D G E

Sajjad Ali

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Fresh Case

1. For Order on M.A No.72/2025
2. For Order on office objection
3. For Order on M.A No.2223/2024
4. For Hearing on the main case

15.01.2025

Mr. Muhammad Asif Shaikh, Advocate for the Petitioner

1. Urgency is granted.

2to4. Heard. For the reasons to be recorded later on, by this short order instant petition stands dismissed.

JUDGE

JUDGE

Saleem