

ORDER SHEET

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

C. P. No. D – 1115 of 2009

a/w **C. Ps. No. D – 1000 of 2010**, 618 & 1628 **of 2013**, 3441 **of 2015**, 1227, 1293, 1327, 2222, 4148 & 4907 **of 2016**, 252, 365, 576, 1119, 1151 & 2052 **of 2017**, 91, 1644, 1781, 1865 & 2005 **of 2018**, 854 & 1719 **of 2019**, 1044 & 1239 **of 2020**, 1002 **of 2021** and **1199 of 2023**.

Present:

Mr. Muhammad Iqbal Kalhoro &
Mr. Arbab Ali Hakro, JJ

Hearing of case (priority)

1. For hearing of main cases
2. For hearing of all the CMAs

26-09-2023

M/s Mushtaque Ahmed Shahani, Abdul Naeem Pirzada, Sohail Ahmed Khoso, Farzand Ali Abro, Shafique Ahmed Khan Leghari and Aamir Ali Bhutto, Advocates for the petitioners

Mr. Dareshani Ali Haider 'Ada', DAG for Pakistan

M/s Mir Ali Nawaz Jaigrani and Bahawaluddin Shaikh, Special Prosecutor along with Mustansar Hussain and Abdullah, Assistant Directors NAB Sukkur

M/s Shafi Muhammad Chandio, Addl. AG and Mehboob Ali Wassan, Assistant Advocate General Sindh

DSR Mehboob Ahmed (Legal Officer) Pakistan Rangers Sindh

Muhammad Saleem Vistro (*Conservator of Forests, Afforestation Circle Sukkur*), Malik Dino Mallah DFO (Affor: Division Larkana), Muhammad Zafar Wassan (*Conservator of Forests, Affor: Circle Larkana*), Gul Junejo (*Conservator of Forests, Affor: Circle Hyderabad*), Hosh Muhammad Shar (DFO, Affor: Division Sukkur), Abdul Fattah Khoso, (DFO Affor: Division SBA), Ziadullah Laghari (DFO, Affor: Division Khairpur), Abid Ali Rind (DFO, Affor: Divisions Naushahro Feroze), Gul Hassan Bahalkani (DFO, Affor: Division Kandhkot), Muhammad Ali Unar (DFO, Affor: Division Thatta), Zubair Hussain Memon (DFO, Affor: Division Shikarpur), Wajid Ali Solangi (DFO Sanghar @ Khipro), Mukhtiar Ali Mirbahar (DFO, Affor: Division Dadu), Aabid Hussain Jatoi (DFO Affor: Jamshoro)

Muhammad Akram Rajput, DSP (Legal) on behalf of DIGP Sukkur, DSP Tariq Latif Khanzada, SDPO Khybrani on behalf of DIGP, Hyderabad, SIP Javed Ahmed Arain, SSP Office (Legal) Khairpur, SIP Ghulam Nabi Taggar, PS Andal Sundrani and ASI Dhani Bux Bhutto, on behalf of SSP, Sukkur

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At the very outset, Mr. Mushtaque Ahmed Shahani, Advocate, who appears on behalf of petitioners in C.Ps No.D-4148/2016 & D-365/2017 and on behalf of intervenors in CMA No.2613/2010 (under

Order I Rule 10 CPC) filed in C.P No.D-1115/2009, submits that under instructions, does not press the aforesaid petitions as well as CMA, which are dismissed as not pressed.

Learned AAG Sindh has filed two separate statements and progress reports on behalf of Secretary, Law, Parliamentary Affairs and CPSD, Govt. of Sindh and photocopy of order dated 09.02.2023 passed by the Supreme Court in C.P No.52/2018 and others, whereas, compliance reports / statements have been filed by the police officers as well as officers of the forest department, all are taken on record.

These petitions filed essentially for the purpose of retrieving forest lands are pending since long. On every date of hearing several reports are being filed by the police officials coming from different districts and the officers of forest department like wise. Invariably, in all the reports, information is given that operation for the purpose as above is going on with the help and assistance of police department for taking back lands of forest department, which is under encroachment by various individuals as well as different official entities including government departments etc. under the pretext of grant in the cases of latter. In view of such reports, various orders have been passed by this Court on different dates of hearings to ensure that all these problems faced by the police and forest department in retrieving the forest lands are sorted out and dealt with in accordance with the law. As a result, some progress has been made and it has been reported that a large chunk of the forest land has been taken back from the encroachers. Still a huge portion / area of the forest land is under encroachment. In some proceedings, this issue is reportedly also pending before the Supreme Court.

Today, we have heard all the parties and with their assistance have formed an opinion that instead of continuing with these petitions indefinitely, a Committee shall be constituted in every district consisting of District and Sessions Judge, Deputy Commissioner, Divisional Forest Officer, SSP and the Wing Commander Rangers, who shall determine first the encroached lands of the forest department, be it with any government department or any individual, by holding a meeting every fortnightly, scrutinize the record, identify the lands of forest department and, thereafter start operation to retrieve back the same in accordance with law and with the assistance of Rangers and Police of the district concerned. The meeting shall be headed by the

District and Sessions Judge, who shall submit a quarterly report before this Court for a perusal in Chamber. Either party would be at liberty to file an application in case directions are not being complied with, for resurrection of the petitions and hearing them accordingly.

With these observations, all the petitions are disposed of along with pending applications, if any.

Office is directed to place a signed copy of this order in the captioned connected matters.

Judge

Judge

ARBROHI