

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA
C. P. No.D-786 of 2023
(Zulfiqar Ali v. D.C Kamber-Shahdadkot and others)

Date of Hearing	ORDER WITH SIGNATURE OF JUDGE
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BEFORE:

Mr. Justice Muhammad Saleem Jessar.
Mr. Justice Adnan-ul-Karim Memon.

Date of hearing and Order :18.03.2025.

Mr. Ghulam Murtaza Jokhio, advocate along with the petitioner.
Mr. Liaquat Ali Shar, Addl. A.G., along with SAfraz Ahmed Pechuho, DSP Kamber, Insp. Sardar Ahmed Kolachi, SHO PS Pakho and Zulfiqar Ali Mugheri on behalf of SSP, Kamber.
Mr. Nazeer Ahmed Bhangwar, DPG.

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ORDER

Adnan-ul-Karim Memon, J:-

Petitioner seeks the following relief;

- a). *To call and direct the official respondents to call respondents No.1 to 4 to remove the illegal encroachment in village Allah Dino Tunio from the private respondents.*
2. A concerned citizen is petitioning the court to enforce a 2021 anti-encroachment order, which directed the Deputy Commissioner to remove illegal encroachments. Despite this order and numerous appeals to officials, the encroachments remain. Conflicting official reports have further complicated the issue, with discrepancies in the number of alleged encroachers. Having exhausted all other legal options, the petitioner now seeks judicial intervention to compel the removal of these illegal structures.
3. Following the court's directive, the Superintendent of Police instructed the DSP Kamber to proceed with the removal of encroachments. The DSP's report indicates that the Mukhtiarkar's office has acknowledged receipt of the court order and is preparing a team for the removal operation, though they have requested additional time. The DSP has assured the court that they are fully prepared to execute the removal order. The police reiterate their commitment to complying with court orders.
4. Encroachment on illegally converted public amenities is strictly forbidden, as established by Supreme Court and Division Bench precedents. Public property must remain accessible to all, and authorities are legally bound to prevent its

privatization and protect it from unauthorized occupation. The Additional Advocate General has now affirmed that all existing encroachments will be removed.

5. Public access to and use of public property is a fundamental right protected by Articles 9 and 26 of the Constitution. These properties cannot be repurposed, leased, or encroached upon. Any attempt to alter their designated use, even by government bodies, is illegal. Authorities are obligated to maintain these properties for public use, and failure to do so can result in legal and disciplinary action. Unauthorized structures on public property must be removed.

6. Based on Supreme Court precedent, this court directs the respondents to look into the concern of the petitioner and all encroachments on the subject land must be removed immediately. The Deputy Commissioner, SSP concerned is ordered to assist the department to remove these encroachments within two months and submit a compliance report to the Additional Registrar of this Court.

Disposal ready!

JUDGE
18/3/25