

ORDER SHEET
IN THE HIGH COURT OF SINDH
CIRCUIT COURT MIRPURKHAS

Civil Revision Application No.S-77 of 2024

Civil Revision Application No.S-101 of 2024

DATE	ORDER WITH SIGNATURE OF JUDGE
------	-------------------------------

20.03.2025

Mr. Ayaz Rajpar, A.A.G. Sindh a/w ADC-1 Sanghar, A.C Taluka Khipro,
Mr. Mushtaque Ahmed Zardari D.F.O Sanghar @ Khipro, Mr. Abdul Aziz
Survey Superintendent Mirpurkhas, Mr. Pirano Khan Mukhtiarkar
Khipro
Mr. Haji Khan Hingoro advocate for respondents.

=

1. The main controversy involved in the impugned order dated 15.09.2009 that the decree holder is in occupation of land beyond his entitlement of 61-11 acres in Deh Bhoopi, Taluka Khipro, District Sanghar and according to the Provincial Government/applicant it is Forest land belongs to Forest Department, Government of Sindh.

2. The background of controversy as per applicant Government of Sindh the forest land initially allotted vide Bombay Gazette notification dated 12.11.1891 in U.A No.1 Deh Bhoopi Taluka Khipro measuring 2164 acres, which has been re-confirmed by the Sindh Government vide Gazette dated 27.11.1947. Thereafter, the area of land measuring 2286 acres has also recorded in Record of Rights vide Revenue Entry No.09 dated 13.03.1976 (VF-XV) measuring 2286 acres as well as Entry No. 61 dated 31.01.1985 of VF- VII-A measuring 2286 acres situated in Deh Bhoopi Taluka Khipro, District Sanghar recorded in favor of Forest Department.

3. Conversely, the land reserved for forest through aforementioned notifications stand in glaring contradictions with the official record of the Survey Superintendent Mirpurkhas, who is present and confirmed that as per Land Register, the total available forest land is measuring 1786-13 acres in U.A No.1 of Deh Bhoopi, vide Land Register Entry No.1 dated 26.02.1938 and according to him on ground only 858 acres of forest land is available. Obviously, the reasons of sharp decrease in forest land from 2286 Acres to the ground reality of existing forest land is due about 858 acres of massive allotment made by Barrage Officer acted under the Colonization Act, 1912 (delegated or un-delegated powers of land Utilization Department of Revenue) in utter violation of aforesaid Gazettes. This decline reductio ad absurdum of forest land can be evaluated and determined through Ghat Wadh Form issued by the Survey Superintendent, Mirpurkhas from time to time in pursuance to the allotment made by Barrage Officer and the entries of such Gath Wadh Form has also been kept by the Mukhtiarkar from time to time and this official record can conveniently fix the actual culprits. The learned A.A.G provided copy of Order dated 30.10.2018 passed in Constitutional Petition No.52 of 2018 by the Honourable Supreme Court of Pakistan and Order dated 30.01.2019 in passed C.P No.D-1115 of 2009 by this Sindh High Court Sukkur Bench in respect of forest lands in various Districts across Province of Sindh, which is also endorsed by the Sindh Cabinet that the allotment of land of Forest Department is illegal. The remaining land can be saved and protect by the Field Officers and the Deputy Commissioner as a National Services to tackle environmental challenges in coordination with Forest Department.

4. After hearing the parties at length and keeping in view the survey and inspection report filed by the Commissioner. The parties are agreed on the following terms;

i. The applicant is entitled to land survey No.106, 108 50 paisa and land in survey No.111, 112, 113, 114, 335 as well as 1-20 acres from survey No.336 (measuring total 61-11 acres) situated in Deh Bhoopi, Taluka Khipro District Sanghar recorded in decree passed in Suit No.77/1982 and 79/1982 maintained by the Honourable Supreme Court of Pakistan in C.A No.240 & 241 of 1991.

(ii) The forest land shall be entered in Revenue Village Form 1-A which is exclusively for maintaining the record for forest land and each entry of forest register shall get scan/digitalize through the Director Micro/Scan, Board of Revenue Government of Sindh, Hyderabad. Simultaneously, the Forest Department shall maintain self-record through field officer as well as cross record shall also be kept by the Chief Conservative Officer, Forest Department in order to maintain the transparency of record.

(iii) The Forest Department will be at liberty to take proper action in respect of the Forest land allotted to various persons in accordance with law and in the light of above said order of Honourable Supreme Court of Pakistan.

(iv). The Director, Settlement, Survey & Record, Board of Revenue, Government of Sindh, Hyderabad and the Survey Superintendent, Mirpurkhas are permanently restrained to

carry out the demarcation or to create survey number in whatsoever manner in respect of Forest land of Deh Bhoppi, Taluka Khipro, District Sanghar.

(v). The Colonization Officer has been seized in the year 2001 and record has been handed over to the concerned Deputy Commissioners, therefore, the Deputy Commissioners are directed to co-operate with the Forest Department enabling them to take necessary action against the illegal allotment of the forest land which has caused sharp decrease of Forest land from 2286 acres to 858 acres as noted.

5. Consequently Revision Applications No.77 and 101 of 2024 are disposed of with above observations and directions.

6. Copy of this order may be sent to the Chief Secretary, Senior Member of Board of Revenue, Member Land Utilization Department, Secretary Forest Department, Director Land Settlement and Survey Board of Revenue, Government of Sindh, Deputy Commissioners Mirpurkhas, Sanghar, Umerkot and Tharparkar @ Mithi for compliance.

JUDGE

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

Civil Revision Application No.S-77 of 2024

Civil Revision Application No.S-101 of 2024

DATE	ORDER WITH SIGNATURE OF JUDGE
-------------	--------------------------------------

06.03.2025

Mr. Ayaz Rajpar, A.A.G. Sindh a/w Mr. Abdul Aziz Survey
Superintendent Mirpurkhas and Mr. Pirano Khan Mukhtiarkar Khipro
Mr. Haji Khan Hingoro advocate for respondents.

=

After hearing the parties at length, the following finding which is required to be as to see Deh Map Land Register analysis with Forest Department to final the determine the right, as I have observed that various litigations have been filed and the respondents have approached to the Honourable Supreme Court of Pakistan. Similarly Forest Department has also retried by the order of Honourable Supreme Court of Pakistan in order to determine the certain mechanism. Let the Survey Superintendent Mirpurkhas and D.F.O Sanghar to produce register No.1, Deh Map and record of right with regard to Forest land. To come up on 10.03.2025.

JUDGE

Adnan Ashraf Nizamani