

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, MIRPURKHAS

Crl. Revision Application No.S-126 of 2024

Applicant: Balwat Kumar son of Indiro,
Through Mr. Afzal Karim Virk, Advocate.

Respondents: Prem Singh and 05 others.

The State: Through Mr. Ghulam Abbas Dalwani, D.P.G.

Date of hearing: 07.08.2025

Date of order: 07.08.2025

O R D E R

Amjad Ali Sahito, J: Through this Crl. Revision Application, the applicant/complainant has impugned the order dated 09.08.2024 passed by learned Additional Sessions Judge-II, Tharparkar at Mithi in I.D Complaint No.30/2024 “Re-Balwat Kumar Vs. Prem Singh and others”. After filing the Complaint, report was called and on the basis of report, the Illegal Dispossession Complaint (I.D Complaint) was dismissed. Being aggrieved, the applicant/complainant filed instant Crl. Revision Application before this court.

Learned counsel for the applicant submits that the applicant was forcefully and illegally dispossessed from his property, and the facts mentioned in the I.D. Complaint are sufficient for taking cognizance against the respondent. However, the learned trial court, without affording a chance of hearing, passed the impugned order. He further submits that the Mukhtiarkar did not deny the ownership of the applicant’s grandfather, and the concerned SHO, in his report, concealed the facts regarding the illegal dispossession of the complainant by the proposed accused persons and proceeded with verification, which was not a legal requirement.

On the other hand, learned D.P.G submits that requirement of I.D Complaint is only that after filing the complaint, learned trial court has to call the report from the concerned SHO and Mukhtiarkar and same was done in this case and on the basis of such report, learned trial court has dismissed the I.D Complaint filed by the applicant/complainant.

Heard and perused.

From perusal of record, it reflects that applicant has filed complaint under section 3, 4, 7 & 8 of the Illegal Dispossession Act, 2005 against the respondents. After filing the complaint, the report was called from SHO and Mukhtiarkar concerned with direction to conduct inquiry into the matter and submit such reports. The detailed report was received from SHO of PS Chehlar and from perusal of report dated 09.08.2024 reveals that there is dispute between the parties over landed property and its demarcation and they have been moving so many applications against each other and this matter pertains to revenue department. The report of Mukhtiarkar (Revenue) Taluka Mithi dated 07.08.2024 reflects that Begoti No.9 (10-00 acres) is in the possession of applicant/complainant Balwant who also cultivated the said land. He further reported that no area of Begoti No.9 has been occupied by/is in possession of Prem Singh and on the basis of that report, learned trial court dismissed the I.D Complaint.

I have also perused the record which reflects that no one has occupied the land as per report of Mukhtiarkar Taluka Mithi and SHO of PS Chelhar and if any dispute is in between the parties is only demarcation, for which, proper forum is available to the applicant/complainant.

In view of above, no illegality is pointed out by the counsel for the applicant/complainant in the impugned order, as such Crl. Revision Application stands dismissed.

JUDGE

****Faisal****