

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR**  
*Constitutional Petition No. D- 305 of 2026.*  
*(Shamshad Ali Kalri vs Province of Sindh and others).*

Date of hearing	Order with the signature of the Judge
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- Fresh case
- 1. For orders on CMA No.1101/2026 (U/A).
  - 2. For orders on CMA No.1102/2026 (Ex/A).
  - 3. For the hearing of the main case.
  - 4. For orders on CMA No.1103/2026 (S/A)

**17.02.2026.**

Mr. Shabbir Ali Bozdar, Advocate for Petitioner.

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The petitioner asserts that the impugned notices were issued by the Encroachment Officer/ Assistant Commissioner (Revenue), Kandiaro, under Section 3 of the Sindh Public Property (Removal of Encroachment) Act, 2010, directing the removal of the alleged encroachment, failing which coercive action would be taken.

During the course of the hearing, the petitioner was queried as to whether, in the event of an order having been passed under Section 3 of the Act, 2010, the appropriate and efficacious remedy would lie under Section 4 thereof, rather than by invoking the Constitutional jurisdiction of this Court. Learned counsel for the petitioner fairly conceded that, in view of Section 4 of the Act, 2010, the petitioner is required to approach the competent authority for redressal of his grievance against the impugned action/order; however, it was requested that the respondents be restrained from taking any coercive measures till such remedy is availed and decided.

A perusal of Section 4(2) of the Act, 2010, reflects that a clear and comprehensive mechanism has been provided under the statute. It mandates affording an opportunity of hearing to the aggrieved person and empowers the competent authority to confirm, modify, or vacate

the order within fifteen (15) days. Furthermore, in case an order for vacation of property or removal of encroachment is passed, and the same is not complied with, an additional period of three (03) days is provided for service and compliance. Thus, the statute itself furnishes an adequate and effective remedy.

Consequently, as the petitioner has opted to avail the proper statutory remedy, this petition is disposed of with the direction that the petitioner shall approach the competent authority under Section 4 of the Act, 2010, within three (03) days from today. Till such time, the respondents, particularly the Assistant Commissioner, Kandiaro, shall refrain from taking any coercive action against the petitioner. Nevertheless, in the event the petitioner fails to avail the statutory remedy within the stipulated period or does not adhere to the procedure prescribed under the law, the competent authority shall be at liberty to proceed in accordance with law and take such measures as are permissible under the Sindh Public Property (Removal of Encroachment) Act, 2010. Upon filing of such a remedy, the competent authority shall decide the same strictly in accordance with law, within the parameters and specific time frame prescribed under the Act, 2010.

With these observations and directions, this petition stands disposed of.

*JUDGE*

*JUDGE*

S.Nawaz(St)'