ORDER SHEET

THE HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD

Civil Misc: Appeal No.08 of 2024

DATE	**ORDER WITH SIGNATURE OF JUDGE(S)**

1. For orders on office objection (s)
2. For orders on stay application
3. For hearing of main case

18.11.2026

None present on behalf of the appellants and no intimation has been received. However, I have perused the impugned order dated 19.03.2024, passed by the learned Presiding Officer, Anti-Encroachment Tribunal, Hyderabad, whereby Execution Application No.99 of 2023 filed by the respondent No.10 in Suit No.76 of 2021 was allowed.

The suit was filed by the respondent No.10 against the encroachment alleged to have been made by the appellants on Wadhu Wah Road in front of his plots. It was disposed of on 10.10.2023 with a direction to the official defendants to measure and demarcate the road and its reservations, including the plaintiff's plots, from the record of rights and if the land was found to be public property, to remove the encroachment after following Sections 3, 4 and 5 of the Sindh Public Property (Removal of Encroachment) Act, 2010. The appellants did not challenge that order; by their own showing they accepted it and it has attained finality.

In compliance, a joint survey was carried out by the departments concerned, including a representative of the Settlement and Survey Department, in the presence of both sides. The Executive Engineer, Kotri Barrage Division, reported on 31.01.2024 that about 10 x 26 feet of the right of way of Wadhu Wah had been encroached upon by three shops of the appellants and the encroached portion was marked on the spot. Notices to remove it had already been issued to the appellants on 03.01.2024. On that report the learned Tribunal allowed the execution and directed the authorities to remove the encroachment. The objections that the survey was not led by the Settlement Department and that the shops stand on village land only seek to reopen a measurement carried out in the manner the order of 10.10.2023 required. The executing Tribunal was bound to see that

order carried out and has done no more. No illegality is shown in the impugned order.

The appeal is accordingly **dismissed**, along with the listed application.

JUDGE

AHSAN K. ABRO