HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

C.P.No.D- 1686 of 2024

[Gul Muhammad and others vs.Province of Sindh and Others]

Before:
JUSTICE ADNAN-UL-KARIM MEMON
JUSTICE MUHAMMAD JAFFER RAZA

Petitioners:	By Mr. Abid Hussain, Advocate.
Respondents 19,80,88,89 & 91:	By Mr. Asad Ali Jatoi, Advocate.
Official respondents:	By Mr. Rafique Ahmed Dahri, Additional A.G Sindh.
Date of hearing	19.11.2026
Date of Decision	19.11.2026

O R D E R

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ADNAN-UL-KARIM MEMON J:- Through captioned petition, the petitioners have challenged the tribunal order dated 26.09.2023, whereby the Civil Suit No.29/2021 filed by the petitioner Gul Muhammad and others has been dismissed on the premise that only an aggrieved person against the orders passed under Section 3, 4 and 5 of Act, 2010 by Government or any other authority or officer authorized by Government has right to approach this Tribunal for redressal of his grievance in respect of the dispute that any property is not the public property or any lease or license in respect of such property has not been determined for the purpose of this Act.

2. Prima facie the issue decided by the learned Tribunal is regarding jurisdiction. So far as the encroachment on the graveyard is concerned, the counsel for the respondents submits that they have obtained ‘Sanads’, therefore, they are entitled to occupy their Village. So far as the graveyard is concerned, they have neither encroached upon the graveyard nor they intend to do so.

3. This being the position of the case, the Deputy Commissioner Matiari along with Mukhtiarkar concerned is directed to ascertain the factual position of the land as it needs to be demarcated and alienate the graveyard from the concerned Village and ensure that the graveyard is not encroached upon by any of the parties, the same be preserved for such burial purpose.

4. Petition stands disposed of in the above terms. Let a copy of this order be communicated to all concerned.

JUDGE

JUDGE

Tufail