HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

C.P. No.D-211 of 2019
[Abdul Rehman and others vs. Province of Sindh and others]

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

Petitioners:	Through Mian Taj Muhammad Keerio advocate
Official respondents:	Through Mr. Allah Bachayo Soomro Additional A.G Sindh
Private respondent(s):	Through Mr. Abdul Hameed Bajwa, Advocate
Date of hearing	13.11.2026
Date of Decision	13.11.2026

O R D E R

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ADNAN-UL-KARIM MEMON J The petitioners have filed the instant Constitutional Petition under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973, seeking directions for removal of encroachments from the Aasaish land of Village Chhutto Halepoto, Deh Jhol Khasi, Tappo Khirdahi, Taluka and District Badin, and restoration of the same for the benefit of the villagers.

2. Learned counsel for the petitioners submits that Village Chhutto Halepoto is an established village, inhabited by the petitioners' ancestors, duly reflected in the Deh Map and revenue record. It is alleged that private respondents No.7 to 12, residents of nearby Village Haji Khan Khoso, have illegally occupied the Aasaish land and constructed shops, a hotel and flour mills thereon for commercial purposes. Learned counsel further submits that despite various applications to the police and revenue authorities, no action has been taken to remove the encroachments. It is contended that the private respondents also threatened and harassed the petitioners, compelling them to approach this Court through Cr. M.A. No.1254 of 2018, which was disposed of on 19.12.2018 on the undertaking of the private respondents not to harass them in future.

3. In its comments, respondent No.5 admits that Village Chhutto Halepoto was sanctioned in 1915, comprising an area of 7-14 acres in Deh Jhol Khasi, Tappo Khirdahi, Taluka Badin, and is reflected in the Deh Map. However, no Sanads under the Sindh Gothabad Housing Scheme have been issued in favour of its residents. It is further submitted that respondent Nos.7 to 12 are residents of Village Haji Khan Khoso, situated approximately 1.4 kilometers from Village Chhutto

Halepoto, and have constructed a flour mill, shops and a hotel on Government Naqabooli land falling within 20 chains of the village. Respondent No.5 further relies upon the letter dated 19.09.1991 issued by the Mukhtiarkar, Barrage, Badin, requesting exclusion of Survey Nos.437, 438 and 440 of Deh Jhol Khasi from the schedule, as the same fell within 20 chains of Village Chhutto Halepoto. Reliance is also placed upon the Roopkari dated 15.06.2010 issued by the Mukhtiarkar Estate, Badin, in favour of Ali Ahmed son of Murred Halepoto, regarding exclusion of the relevant survey numbers from the schedule.

4. We have heard learned counsel for the parties and examined the available record.

5. The controversy raised in the instant petition essentially relates to the alleged encroachment upon the Aasaish land of Village Chhutto Halepoto by the private respondents. The comments submitted on behalf of respondent No.5, while acknowledging the existence of the village since 1915 and its reflection in the revenue record, also confirm that certain commercial constructions, including a flour mill, shops and a hotel, have been raised on Government Naqabooli land falling within 20 chains of the village. The official correspondence dated 19.09.1991 and Roobkari dated 15.06.2010 further indicate that certain survey numbers were proposed to be excluded from the relevant schedule on account of their location within the prescribed distance of the village.

6. In these circumstances, the matter requires proper verification of the nature, ownership, classification and status of the land in question, as well as the legality of the constructions raised thereon. Such an exercise necessarily involves examination of the original revenue record, relevant Deh Map, applicable notifications and the proceedings relating to exclusion of the subject survey numbers from the schedule which is function of the competent authority. These factual matters cannot appropriately be determined by this Court in its constitutional jurisdiction without a proper inquiry by the competent revenue authorities.

7. Accordingly, without expressing any opinion on the merits of the rival claims or the legality of the alleged encroachments, the competent revenue authorities, including Deputy Commissioner, Badin, and Mukhtiarkar concerned, are directed to conduct a joint site inspection, after associating the petitioners and the private respondents, examine the original revenue record and determine the status and classification of the subject land. In case any encroachment upon Government land or land reserved for the Aasaish of the village is established, appropriate action shall be taken strictly in accordance with law, after providing an opportunity of hearing to all concerned.

8. The above exercise shall be completed within a period of two months from receipt of this order. The petitioners shall be at liberty to approach the competent authorities with all relevant documents and shall be afforded an opportunity to participate in the proceedings.

9. With the above directions, the instant Constitutional Petition stands disposed of, along with pending applications, if any, with no order as to costs.

JUDGE

JUDGE

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