

COURT OF THE DEPUTY COMMISSIONER / COLLECTOR KHAIRPUR

No.DC/Reader/2023/- 5237
Khairpur, dated, 10.2023.

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To,

The Commissioner, Sukkur,
Division Sukkur.

SUBJECT: C.P.NO.D-25/2018" QAZI ALI ATHAR AND ORTHER VERSUS
P.O SINDH & OTHERS AT SUPREME COURT OF PAKISTAN.

C.P.1115/2009 " RAZA MUHAMMAD MIRANI & OTHERS V/S.
P.O SINDH AND OTHERS" AT SINDH HIGH COURT BENCH
AT SUKKUR.

REQUEST FOR CANCELLATION OF ALLOTMENT OF
FOREST LAND IN DEH MUHAMMAD ASHABI TAPA
CHUTO WANDIAR TALUKA THARI MIRWAH.

It is submitted that the Divisional Forest Officer, Afforestation Division, Khairpur vide his office letter No: G.II(b)/-700/2021-22, dated, 24.05.2023 mentioning that an area of 933-36 acres of Deh Tando Mir Ali is notified as Forest land in Taluka Thari Mirwah vide Gazette of West Pakistan notification dated, 26th September 1958. As per the directions of Honourable Supreme Court of Pakistan and High Court of Sindh Bench at Sukkur, mutation/khata vide VF VII-B entry No: 78, dated, 12.12.2019 and No: 159, dated, 14.12.2020 is maintained in favour of Forest Department. He added that with collusion of lower formation of Revenue/ Barrage authorities from Block No: 389 of Deh Muhammad Ashabi new survey numbers 389 (05-12), 926 (04-38), 927 (5-30) total area 16-00 acres have been allotted in the name of Mst. Noor Bibi w/o Shamsuddin Bhutto on the basis of grant from Sarkar Namdar letter No: RB/-1223, dated, 26.12.2007 of defunct District Officer Revenue Khairpur and T.O Form No: 339, dated, 26.12.2007, "A" Form No: 34 Mukhtiarkar Estate Land Khairpur, such entry No: 92, dated, 27.12.2007 of VF VII-B is also maintained in the name of grantee, through block No: 389 (16-35 acres) is exclusive property of Sindh Forest Department.

From Block No: 149 of Deh Muhammad Ashabi new survey Nos: 922 (04-10), 923 (6-13), 924 (6-24), 925 (5-22) total area 22-20 acres have been allotted in the name of Shamsuddin s/o Rehman Bux Bhutto on the basis of grant from Sarkar Namdar, letter No: RB/-1224, dated, 26.12.2007 of defunct District Officer Revenue Khairpur and T.O Form No: 400, dated, 26.12.2007, A-Form No: PE-51 Mukhtiarkar Estate Land Khairpur such entry No: 93, dated, 27.12.2007 of VF VII-B is also maintained in the name of grantee, though above Block part and parcel of Tando Mir Ali Forest. That in response to your good office letter No: RB/-2097, dated, 19.04.2022 in the above subject mater Mukhtiarkar Thari Mirwah vide No: SM/-601,

dated. 23/05/2022 also reported parallel part reproduced as "The S.I/Tapedar of beat have reported that the above S.Nos. are made out block No. 389 (16-35) acres & 149 (371-01) acres which is property of Forest Department & these S.Nos. are over lapping upon the Forest Land. The S.I/Tapedar of beat have further reported that above both entries not available in (LARMIS) record."

The Divisional Forest Officer Afforestation Division, Khairpur requested that in the larger interest of Government & in the light of Senior Member Board of Revenue Notification dated, 11th February 2019 as well as report from Mukhtiarkar Thari Mirwah, it is requested that reference u/s 164 of the Sindh Land Revenue Act, 1967 may be moved to worthy Commissioner Sukkur Division, Sukkur for cancellation of entry No: 92 & 93 of Deh Muhammad Ashabi Taluka Thari Mirwah over an area of 38.02 acres as the subject land is part and parcel of Tando Mir Ali Forest of Taluka Thari Mirwah District Khairpur.

The Assistant Commissioner, Mirwah vide his office letter No: Asstt/- 652/2023, Mirwah, dated, 12/07/2023 has reported that S.No: 389 (5-12), 926 (4-36) 927 (5-30) are kept vide entry No: 92 of VF VII-B Deh Ashabi Tapo Chhutto Wandiar Taluka Mirwah T.O Form No: 397, dated, 26/12/2007 and "A" Form No: 34 vide letter No: D.O Revenue, RB/-1223, dated, 26/12/2007 have kept in the name of Mst. Noor Bibi w/o Shams Uddin Bhutto from Sarkar Namdar. Moreover, S.No: 122 (04-01), 923 (6-13), 924 (6-24) and 925 (5-22) are kept in entry No: 93 of VF VII-B in the name of Shams Uddin s/o RAhman Bux Bhutto from Sarkar Namdar vide letter No: D.O. Revenue RB/- 1224, dated, 26/12/2007 in which T.O Form No: 400 and "A" Form PE- 51 are mentioned. The date has not been mentioned. While another entry No: 93 of VF VII-B with same serial Number as above (93) is also kept in the name of Pathan Khan s/o Motan Khan on which Mukhtiarkar's signature date 25/01/2008. While first entry No: 93 kept in the name of Shams Uddin Bhutto's signature of Mukhtiarkar is done on 27/01/2007. How is it possible that the same serial number would be kept after a year Signature of Mukhtiarkar, be further enquired and verified. While, S.No: 389 (16-35) and S.No: 1049 (347-30) are kept in the name of Tando Mir Ali Forest Department, Government of Sindh from Sarkar Namdar date 24/12/2020 vide No: entry 159, Deh Muhammad Ashabi, Tapedar Chhutto Wandiar. It was kept on the orders of the Honourable Supreme Court.

Therefore, he requested that entry No: 92 of VF VII-B be cancelled under section 164 of Sindh Land Revenue Act, 1967. Entry No: 93 be decided under section 164 of Sindh Land Revenue Act, 1967 after verifying and completing area of Forest land which is kept in entry No: 159 of VF VII-B Deh Muhammad Ashabi Tapa Chhutto Wandiar Taluka Mirwah. The area of S.No: 149 (347-30) which is kept in above entry be demarcated and its area be completed. If, its area is complete then entry No: 93 of VF VII-B of Shams Uddin Bhutto be spared, otherwise its needs to cancel under section 164 of Sindh Land Revenue Act, 1967.

The Assistant Commissioner further requested that Survey Superintendent Khairpur needs to give land Map of S.No: 149 & S.No: 389 of Deh Muhammad Ashabi Tapa

Chhutto Waniyar He should clear those updated numbers on grounds as well. There seems clear duplication over lumping of S No. The preference be given to the Forest Land / State Land.

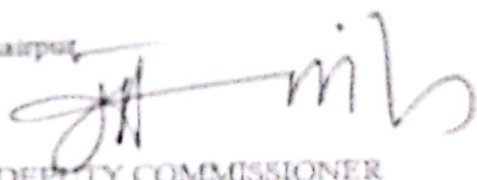
Accordingly, Mst Nisar Bibi w/o Shamsuddin by cause No. 100 through her legal heirs filed Civil Suit before the Honorable Justice Chaudhary Mirwah against Province of Sindh through Secretary Revenue Department, Government of Sindh at Karachi.

In view of above, the request of Forest Department and Assistant Commissioner, Thari Mirwah is submitted to your Honorable court for deciding the same under section 164 (3) of the Sindh Land Revenue Act, 1967.

DEPUTY COMMISSIONER
KHAIRPUR

c.c to

- The Assistant Commissioner, Thari Mirwah.
- The Divisional Forest Officer, Afforestation Division, Khairpur.
- The Mukhtarkar Taluka Thari Mirwah.


DEPUTY COMMISSIONER
KHAIRPUR