and petitioner-society has been directed to halt construction work until the inquiry is finalized by the Deputy Commissioner. The Mukhtiarkar was not the competent authority to get the construction work halted and if any irregularity was pointed out in the construction work, it was the domain of the Sindh Building Control Authority and the respective department to act in accordance with law.

10. Statutory functionaries are legally required to act in accordance with the law, as they must act within the boundaries of their authority and cannot misuse or misapply power. This principle ensures that their actions are fair, just, and legal and they should respect the fundamental rights as guaranteed by Article 23 and 24 of the Constitution of Islamic Republic of Pakistan, 1973 and to ensure that every individual is subject to due process of law and extend protection to their life, dignity and property. as envisaged by the Constitution.

11. For the aforesaid reasons the petitioner-society has made out a case for indulgence of this Court. Consequently, this petition is partly allowed and the impugned notification to the extent of restraining the petitioner-society from carrying out the construction work is set at naught; however, the Deputy Commissioner is at liberty to finalize the inquiry within the shortest possible time. It is made clear that if pursuant to outcome of inquiry report the subject land is declared to be of police department, the petitioner-society will not entitled to claim any compensation for the construction work done at subject land.

12. Petition stands disposed of in the above terms.

Sajjad Ali Jessar
Approved for reporting
Hyderabad
16.10.2025

B dated 14.03.2023 of Deh Jamshoro and the police department had not yet sought cancellation of the said entry; even the Land Utilization Department had not acted upon the advice of Chief Minister's Inspection Team, therefore, the claim of the respondent-police department that the subject land is owned by them is yet to be determined before the appropriate forum. It is well settled law that that the entry in the revenue record is not a title document; however, presumption of truth is attached thereto unless contrary to it such a presumption of truth has back of Section 53 of Sindh Land Revenue Act, which is reproduced below:

> *"Section 53: Suit for declaratory decrees by persons aggrieved by an entry in a record.- If any person considers himself aggrieved by an entry in a record-of-rights or in a periodical record as to any right of which he is in possession, he may institute a suit for declaration of his right under Chapter VI of the Specific Relief Act, 1877 (Act I of 1877)."*

8. The entry in revenue record can be challenged at any time by invoking the provision of Specific Relief Act 1877 as envisaged under Section 53 of the Act ibid. Perusal of the above provision of law mandates that any party aggrieved by any entry in record of rights may approach to the competent forum for the cancellation of said entry, but in the present case the ownership of the petitioner-society is admitted by the revenue department and no further step has been taken by the Land Utilization Department for cancellation of the said entry pursuant to recommendation of the Chief Minister's Inspection Team.

9. Since the petitioner-society for the time being is the owner of the subject land and the police department is of the view that they are the owners of the subject land, they may adjudicate their right before the competent forum. The Mukhtiarkar Taluka Qasimabad vide his impugned letter dated 25.03.2025 has sought verification of the record and the language of the said letter reflects that the Deputy Commissioner had directed him to halt the ongoing construction work of New Town Cooperative Housing Society site with immediate effect and an inquiry was initiated against the Society on the complaint of police department

still exists in the name of petitioner-society. Paragraph No.1(a) to (c) of the report being relevant are reproduced herein below:

> *a) That as per Entry No. 175 of DK Book No. 10646 of Deh Jamshoro, dated 19.02.1977, S.Nos. 8, 9, 10, 11, 12 (Part), 351, 352 and 353, admeasuring 54-00 acres is entered in the revenue record of rights in favor of New Town Cooperative Housing Society Limited. The above entry is cancelled as per Order No.580, dated 12.07.2007, issued by the Senior Member, Board of Revenue, Sindh, Hyderabad (Annexure-I).*
>
> *b) That as per Entry No.81 of VF-VII-B of Deh Jamshoro, dated 19.10 2011, S.Nos. 8, 9, 10, 11, 12 (06-07 acres), 351, 352 and 353, admeasuring 54-00 acres is entered in revenue record of rights in favor of New Town Cooperative Housing Society as allotted by the Government of Sindh, Land Utilization Department, Karachi received through Letter No.HVC/887, dated 17.05.2011, issued by the Staff Officer to defunct Executive District Officer (Revenue), Hyderabad and Order No.2887, dated 26.05.2011, issued by the defunct Deputy District Officer (Revenue), Qasimabad, the above entry is restored to the extent of Entry No.175 of D.K. Book No. 10646, da d 19.02.1977, of Deh Jamshoro(Annexure-II)*
>
> *c) That as per Entry No.19767 of VF-VII-B of Deh Jamshoro, dated 14.03.2023, a housing scheme namely New Town Cooperative Housing Society, Limited is constructed over S.Nos. 8, 9, 10, 11, 12, 351, 352 and 353, admeasuring 54-00 acres, which is entered in the names of: 1: Naseem A. Junejo S/O Imdad Hussain (President); and 2: Shakeel A. Qureshi S/O Ali Ahmed (General Secretary). (Annex re-III)*

7. The above report of the Assistant Commissioner and Mukhtiariar supports the contentions of the petitioner-society that the subject land is still entered in the name of petitioner-society vide entry No.19767 of VF-II-

filed an application under Order 1 Rule 10 CPC and the case was remanded back to the trial Court for decision afresh; that revision application bearing No.85 of 2007 was preferred against remand order but same was dismissed for non-prosecution by this Court; that the revenue authorities wrongly entered the subject land in favour of the petitioner-society without proper adjudication of the rights of the parties; that an inquiry was also conducted by the Chief Minister's Inspection, Inquiries and Implementation Team, which recommended for cancellation of the subject land that was entered in favour of the petitioner-society; that that title of the petitioner-society was under shadow of doubt, therefore, any construction work in the Society would amount to deprive the police department to its right to property. He submits that petition is not maintainable and liable to be dismissed.

4. Arguments heard and record perused.

5. Meticulous perusal of record reveals that the subject land was acquired by the office of Collector Hyderabad vide notification dated 09.07.1973 for the public purpose to construct the police building at Hyderabad and pursuant to said notification the acquisition proceedings were initiate and relevant notifications were also issued and a cheque in the sum of Rs.2,00,000/- was issued in favour of the Land Acquisition Officer. However, it transpires that the land acquisition proceedings could not be materialized for want of remaining payment by the acquiring agency i.e police department and subsequently the subject land was allotted to petitioner-society and such entry bearing No.175 dated 19.02.1977 was incorporated in record of rights in favour of the petitioner-society.

6. It further reveals from the record that Chief Minister's Inspection Team had recommended for cancellation of the allotment in favour of the petitioner-society but no further action on the report of Inspection Team was taken. It appears that vide Order dated 08.04.2025 the Mukhtiarkar concerned was directed to furnish comprehensive report. In compliance of said order the Assistant Commissioner and Mukhtiarkar Taluka Qasimabad submitted detailed report under the cover of statement dated 2.05.2025 by learned Additional A.G. As per said report the subject land is

(d) To grant any other equitable and appropriate relief to the petitioner in the circumstances of the case.

2. Learned counsel for the petitioner contended that the petitioner-society was granted 54 acres of land in Deh Ganjo Takar Taluka Hyderabad on payment of malkana @ Rs.250/- per acre and an amount of Rs.13,500/- was paid in full and final settlement of malkana in the year 1961; that subsequently the land was taken over by the government and in alternate thereof the petitioner-society was granted another land in Deh Jamshoro, Taluka City Hyderabad on the same terms and conditions in Survey Nos.8, 9, 10, 11, 12 (part), 351, 352 and 353 (**subject land**) and such entry was recorded in record of rights in favour of the petitioner-society; that the petitioner-society allotted the plots to its members and revised layout plan was also approved by the Hyderabad Development Authority on 10.02.2023 on payment of usual fee; that Mukhtiarkar Qasimabad/respondent No.4 vide letter dated 25.03.2025 called for verification of record of the Society and asked for halting the construction work in the Society, which per learned counsel, is based on malafide and aimed at supporting the land grabbers. He submits that the actions of the respondent No.4 are voilative of the Article 23 and 24 of the Constitution of Islamic Republic of Pakistan 1973, which are required to be set at naught and this petition is liable to be allowed. In support of his contentions he has relied upon the case of *Ghulam Muhammad vs. Province of Sindh through Secretary Home Department Karachi and others* [2006 P Cr.L.J 1364].

3. Learned Assistant A.G submits that the subject land was reserved for public purpose; that the subject land was allotted to the police department in the year 1973 by the Sindh Revenue Department for construction of police building and since then same is under the possession of police; that in the year 2003 district police came to know that Mukhtiakar office Hyderabad changed the khatta of the subject land pursuant to judgment and decree dated 31.07.2003 & 04.08.2003 respectively passed in Civil Suit No.247 of 1998 against which Government of Sindh preferred Civil Appeal No.278 of 2003 before VIth Additional District Judge Hyderabad, wherein the police department also

HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD

C.P No.D-575 of 2025

[New Town Cooperative Housing Society Ltd Hyderabad vs. Province of Sindh & Ors]

Before:

Justice Muhammad Saleem Jessar

Justice Nisar Ahmed Bhanbhro

Petitioner	New Town Cooperative Housing Society Ltd Hyderabad: **Through Mr. Aayatullah Khuwaja advocate**
Respondents	The Province of Sindh & Ors: **Through Mr. Rafique Ahmed Dahri Assistant A.G Sindh** a/w PDSP Muhammad Ilyas and Inspector Manzoor Ali
Date of hearing	16.10.2025
Date of Judgment	16.10.2025

JUDGMENT

MUHAMMAD SALEEM JESSAR, J: Through this petition, the petitioner claims following reliefs:

(a) *Declare the letter dated 25.03.2025 is coulorful exercise of powers, illegal, void without lawful authority and nullity in the eyes of law.*

(b) *Direct respondents to provide legal protection to the members of the society and protect them from land grabbers.*

(c) *Restrain respondents from harassing the petitioner and its members and Restrain them from interfering in affairs of the society and disturbing the lawful possession of the land of the society or creating any other interest.*