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IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

PRESENT:

Mr. Justice Gulzar Ahmed, HCJ
Mr. Justice Ijaz ul Ahsan
Mr. Justice Qazi Muhammad Amin Ahmed

Crl.M.A.Nos.7-K & 8-K of 2015

And

HRC No.3193-P of 2009

And

CMA No.1124-K of 2016

In Attendance: Mr. Sibtain Mehmood, Addl.AG, Sindh
Mr. Shamsuddin Soomro, SMBR Sindh
Malik Akhtar H. Awan, Addl.AG, KP
Noor Ali Khan, Director IT, KP
Mr. Zahoor A. Baloch, AAG, Balochistan
(via video link from Quetta)

Date of Hearing: 26.10.2021

ORDER

A report bearing No.64-K of 2021 has been filed on behalf of Board of Revenue, Sindh. This is signed by the Assistant Secretary, Board of Revenue, Sindh namely Syed Shehzad Kaleem Naqvi for the reason that when this report was filed, the post of Senior Member Board of Revenue, Sindh ("**SMBR**") was vacant. Mr. Shams-ud-Din has now been appointed as SMBR, who has filed his own affidavit in support of the report submitted/signed by the Assistant Secretary Board of Revenue, Sindh, referred to above. It is stated by the SMBR that almost 95% of the land records all over the province of Sindh have been computerized and the same

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can be accessed by the land owners to ascertain the status of their lands from the revenue record. He adds that such record is available on the website namely www.sindhzameen.gos.pk prepared by the Government of Sindh.

2. As far as the encroached lands are concerned, a report has been submitted that some encroached lands have been retrieved but major part of it is still to be retrieved from the encroachers by the Board of Revenue, Sindh. Let such exercise be done by the SMBR and a report in this respect be submitted during the next session. The SMBR states that all the encroached upon lands shall be got retrieved and handed over to the Departments to which the same actually belong. Details of the encroached lands have been given in Report No.33-K of 2021. It is also stated by the SMBR that in respect of Karachi Division he has not given full details of the encroached land. He states that in his next report, he will submit complete details of the encroached land in Karachi Division and shall also give details of the measures adopted by the Board of Revenue, Sindh for removal of encroachments and restoring the land for the purpose for which it is actually meant. Let a detailed report in this respect be submitted by the SMBR in his own hands.

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3. The report also contains some record regarding suspect entries in the record of rights and it seems that there are about 2,25,990 suspect entries and out of them 439 entries have been referred to the Commissioners for initiation of *suo motu* actions but no proceedings in respect of the remaining suspect entries have been initiated so far. The SMBR states that all these entries shall be referred to the Commissioners for taking of *suo motu* actions and their fate will be decided urgently. Let a further report in this respect be submitted by the SMBR before the next date of hearing.

4. The SMBR however states that the Deputy Commissioners of the respective areas all over the Province of Sindh are the heads of Anti Encroachment Force and due to their pre-occupation in other official matters, such DCs do not involve themselves in the matters pertaining to encroachments as while doing so they will have to attend the Tribunals/Special Courts constituted for the said purpose. We note that the matter of encroachment of the Government land is a matter of serious nature and it should be dealt with very seriously and cautiously by all Government officials and priority should be given to it so that all lands are retrieved and utilized for the purpose for which they are meant. No encroachment of any public/Government land should be

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allowed, as it not only shows a bad impact but also deprives the State of its valuable property which is solely meant for public use. The SMBR shall take strict measures in this regard and ensure that all DCs throughout the province of Sindh do take full action for removal of encroachments qua Government properties and also pursue the matters before the relevant Special Courts/Tribunals for the said purpose, if necessary. Details regarding such actions should be made available by the DCs to the SMBR, who shall submit the same before this Court in the shape of a report for our perusal before the next date of hearing.

5. A report bearing No.96-K of 2021 has been filed by the Senior Member, Board of Revenue & Estate Department, Government of Khyber Pakhtunkhwa. The learned Additional Advocate General, KP states that computerization of land records in 19 districts of the Province of KP is under process in two phases. In the first phase, almost 82% of the land record in 7 districts has already been computerized and the second phase is underway. He submits that record of 7 districts will be completed by the end of December this year, while in the remaining 12 districts the exercise of computerization of land record will be completed by June, 2022.

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6. As regards the newly merged districts in the province of KP, the learned Law Officer states that the settlement process is being undertaken and once the settlement is done, the computerization of land record of the newly merged districts will also be completed. We expect that the Senior Member Board of Revenue, Khyber Pakhtunkhwa shall ensure that all revenue records relating to the Province of Khyber Pakhtunkhwa are computerized expeditiously and settlement process of the newly merged districts is also done at an early date, preferably by the end of next year i.e.2022. Let a further report in this respect be made available to this Court before the next date of hearing.

7. A report bearing No.52-K of 2021 has been filed by the Senior Member Board of Revenue, Balochistan and the status of computerization of the land record given in the said report is similar to the one as was given to this Court on 16.06.2021. Let the Senior Member Board of Revenue, Balochistan take immediate measures for completion of the settlement process in the Province of Balochistan and also complete the computerization of land records of the Province of Balochistan, which we expect that it should be completed by the end of 2022. Let a further report be submitted by the SMBR, Balochistan before this Court regarding

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settlement and computerization of the land record before the next date of hearing.

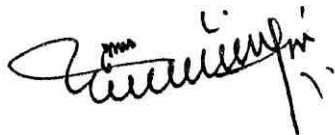
8. The matter is adjourned to a date in next session.

KARACHI, THE

26th October, 2021

ZR/*

Not Approved For Reporting

A handwritten signature in black ink, appearing to be 'Zamir Hussain', written over a horizontal line.