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IN THE SUPREME COURT OF PAKISTAN

(Original Jurisdiction)

Present:

Mr. Justice Gulzar Ahmed, CJ

Mr. Justice Sajjad Ali Shah

Mr. Justice Qazi Muhammad Amin Ahmed

Crl. M. A. No.7-K of 2015 in Crl. O. P. No.15-K of 2013
in Civil Petition No.13-K of 2013

(Reply of Explanation and Compliance Report of Order dated 13.8.2014 filed by Chief Secretary, Sindh)

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Crl. M. A. No.8-K of 2015 in Crl. O. P. No.15-K of 2013
in Civil Petition No.13-K of 2013

Reply of Explanation and Compliance Report of Order dated 13.8.2014 filed by Sr. Member Board of Revenue, Sindh)

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Crl. M. A. No.21-K of 2018 in Crl. M. A. No.8-K of 2018
Application for intervention filed by Mr. A.S.K. Ghouri, AOR on behalf of the applicant namely Syed Saeed Ahmed Kazmi)

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Human Rights Case No.3193-P of 2009

(Action taken on the news published in Daily Nawa-e-Waqt dated 26.06.2009 regarding computerization of revenue record.)

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CMA No.1124-K of 2016 in HRC No.3193-P of 2009

(Application by resident of Thano Bola Khan)

In attendance: Mr. Ibad-ul-Hasnain, ASC

Mr. Sibtain Mehmood, Addl. A.G. Sindh

→ Qazi Shahid Parvez, Sr. Member
Board of Revenue, Sindh

Ghazanfar Ali Leghari, D.C. Malir

Farid-ud-Din, C.D. Jamshoro

Mr. Muhammad Ayaz Swati,
Addl. A.G. Balochistan

Malik Akhtar Hussain Awan, AAG, KPK

Mr. Afnan Karim Kundi, ASC for
NADRA (from Islamabad thr. video link)

Nemo. (For Govt. of Punjab)

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Date of Hearing : 30.12.2020

ORDER

Crl. M. A. No.7-K of 2015 in Crl. O. P. No.15-K of 2013 in Civil Petition No.13-K of 2013 & Crl. M. A. No.8-K of 2015 in Crl. O. P. No.15-K of 2013 in Civil Petition No.13-K of 2013:-

A report has been filed by Qazi Shahid Parvez, Senior Member, Board of Revenue, Govt. of Sindh ('SMBoR') in which details have been given regarding computerization of the revenue record and also reconstruction and re-writing of the revenue record as per orders of this Court. The report, subject to all just exceptions, is taken on record.

2. We, however, note that in the report, it is mentioned that entries regarding Karachi, Hyderabad, Mirpur Khas, Larkana, Sukkar and Shaheed Benazir Abad have been blocked, the details of which is given in para 4 of the report and the SMBoR states that his officers are taking steps to have these entries verified and to deal with the same in accordance with law.

3. The SMBoR has been asked to retrieve all encroached land of the Government of Sindh including amenity lands, park lands, school lands, hospital lands, graveyard lands, police station lands, post office lands, playground lands and all other open spaces. He states that his officers are conducting exercise for recovery of the encroached lands and in this regard states that the Deputy Commissioner, Malir has recently recovered 1000 acres of land from the encroachers. The details of this recovered land will be given by the SMBoR. Further, the SMBoR shall ensure that all the encroached lands are got cleared and shall be restored to their original positions as they were existing before their encroachment and all the amenity lands mentioned above shall be restored to their original position and no sort of encroachment on them at all be allowed.

4. We note that the green belts which are the State lands have also been encroached all over the Sindh and such encroached lands must be recovered and restored to their original position.

5. Similarly, the land of Irrigation Department has also been encroached upon and all such lands ought to be recovered from the encroachers and used for the purpose they are meant for, under the law.

6. Likewise, a large track of Forest land in the Province of Sindh have also been encroached or sold out by the officials of Forest Department. All the forest lands should be recovered in that the forged documents regarding the selling of these lands should immediately be cancelled and planting of trees be done on the said lands.

7. The SMBoR shall communicate these directions to all the Commissioners in the Province of Sindh, Secretary, Irrigation Department and the Secretary, Forest Department to seek implementation of the Court orders. He is further directed to ensure the compliance of the above directions, obtain results under his own supervision and submit report within a period of one month. The SMBoR shall appear in person on the next date of hearing.

Crl. M. A. No.21-K of 2018 in Crl. M. A. No.8-K of 2018:-

8. One Saeed Ahmed Kazmi has filed an application bearing number Criminal M.A.21-K of 2018 claiming rights in some revenue land and states that the very entries in the revenue record of the applicant have altogether been removed. Let the applicant avail his remedy in accordance with law. The SMBoR, if approached by the applicant, will hear him. The application stands disposed of.



Human Rights Case No.3193-P of 2009:-

9. It seems that revenue officials from the Province of KP so also the Province of Baluchistan have not filed the reports and such was noted by the Court while hearing the case. Learned Additional Advocate General, KP states that process of computerization of land records is going on in KP and the first phase of the same will be accomplished in February, 2021. Let a report be filed in this regard by the Govt. of KP within one month's time. Report be also filed by the Revenue Department, Baluchistan within one month.

10. Adjourned to a date after one month.

Karachi, the
30th December, 2020
M. Azhar Malik/*

