



DECISION

Complaint No. : POS/2107/2022/HYD/151

Name and address of the complainant : Mst: Jannat Bibi wd/o Abdullah Soomro
R/o Village Haji Bachal Soomro Qasimabad
Hyderabad.

Name of the Agency Complained against : Assistant Commissioner, Qasimabad, District Hyderabad.

Name & Designation of Investigating Officer : Abdul Wahab Memon, Consultant / Regional Director,
Regional Office, Hyderabad.

Vetted by : Muhammad Naseer Jamali, Advisor-N

Subject : COMPLAINT AGAINST MUKHTIARKAR QASIMABAD ALLEGING FORGERY IN THE MUTATION OF FOTI-KHATA OF LAND LEFT BY DECEASED HUSBAND OF THE COMPLAINANT

Complaint

Mst. Jannat Bibi filed a complaint dated 24.03.2022 wherein she stated that she has been deprived of her share in foti-khata of land left by her deceased husband, Abdullah Soomro by the Mukhtiarkar Qasimabad. She had filed an appeal before Deputy Commissioner/Collector Hyderabad which has been decided by the ADC-I Hyderabad vide order dated 11.11.2021. The operating para of the order is reproduced as under:

However, appellant being aggrieved may file application before the Assistant Commissioner and Taluka Mukhtiarkar Qasimabad for effecting foti-khata badal as there is no limitation in cases of inheritance. Besides, Assistant Commissioner and Mukhtiarkar Qasimabad may register FIR against the witnesses under the provisions of 193 PPC if it is found false statement during open katchery.

She says that she is visiting the office of Assistant Commissioner and Mukhtiarkar Qasimabad but the order of ADC-I has not been implemented. Aggrieved by that, she solicited intervention of this Institution.

Proceedings

2. The case was admitted u/s 10 (3) of the Establishment of the office of Ombudsman for the Province of Sindh Act, 1991 (amended up to date) after receiving mandatory Affidavit on Form "A" and other relevant documents and by condoning the delay.

3. This office issued notice dated 01.06.2022 to the Assistant Commissioner and Mukhtiarkar, Revenue Taluka Qasimabad Hyderabad for report. The Mukhtiarkar (Revenue), Taluka Qasimabad submitted report dated 28.12.2022. as under:

- (i). That as per entry No.54 of VF-VII of year 1942, S.No.275 admeasuring 05-18 acres, situated at Deh Jamshoro, Taluka Qasimabad was entered in the names of (i) Hussain S/o Usman, (ii) Muhammad Hassan S/o Usman, (ii) Muhammad Hassan S/o Usman and (iv) Aamban D/o Usman, purchased from Usman and Haji Moosa in the year 1947 through registered deed.

(2)

- (ii). That entry No.47, dated 05.11.1984 of VF-VII-A, S.No.275, admeasuring 05-18 acres, situated at Deh Jamshoro, Taluka Qasimabad stands entered in the names of (i) Hussain S/o Usman Soomro, (ii) Ismail S/o Usman Soomro, (iii) Muhammad Hassan S/o Usman Soomro and (iv) Ijat Rajitam D/o Usman Soomro, purchased from Usman and Haji Moosa in the year 1947 through registered deed.
- (iii). As per entry No.21 dated 31.05.2008 of VF-VII-B, the foti-khata of deceased Ismail S/o Usman Soomro has been changed in favour of his legal heirs namely (i) Abu Bakar S/o Ismail, (ii) Safooran D/o Ismail, (iii) Haleeman D/o Ismail and (iv) Hajran D/o Ismail tot he extent of his share from S.No.275, admeasuring 01.23 acres, situated at Deh Jamshro, Taluka Qasimabad. He has further reported that the S.No.275 has been utilized for a housing scheme, hence, the complainant may be advised to approach competent court of law for redressal of her grievance.

4. The agency's report was sent to the complainant for rejoinder vide letter dated 13.01.2023, who in response requested that the matter may be referred to the Deputy Director, Anti-Corruption Establishment Hyderabad for taking necessary action against the Mukhtiarkar Qasimabad and others who have deprived her from her share while changing foti-khata of land left by her deceased husband, Abdullah Soomro

Findings

5. The investigation of the complaint revealed that the deceased husband of the complainant, Abdullah Soomro never appeared as owner of land, S.No.275, deh Jamshoro as per revenue record. The complainant also failed to provide any document wherein her deceased husband, Abdullah Soomro has been shown as owner of land in question.

Decision

6. In view of the above and in exercise of powers vested in me under section 11 of Establishment of the office of the Ombudsman for the Province of Sindh Act, 1991 (amended upto date), the complaint is disposed of as rejected being without merits. However, she is at liberty to file an appeal before relevant forum i.e. Civil Court or Commissioner, Hyderabad Division.

Given under my hand and seal of the office

Sd/-

(MUHAMMAD SOHAIL RAJPUT)
Sitara-e-Imtiaz, PAS
Ombudsman Sindh

Karachi, dated 23rd December, 2024

