



DECISION

Complaint No. : POS/6475/ROK-193/(Khp)/2023

Name and address of the complainant : Mr. Muhammad Ali, S/o KhudaBux Alias Mando Khan Shaikh, R/o Village Muhammad Ali Shaikh, Taluka Kotdiji, District Khairpur.

Name of the Agency Complained against : Revenue Department

Name & Designation of Investigating Officer : **AHMED BAKHSH GHUMRO,** Consultant / Incharge, Regional Office Khairpur

Vetted by : **Mr. Ghulam Sarwar, Advisor-J**

Subject : **COMPLAINT AGAINST CANCELLATION OF ENTRY OF COMPLAINANT'S LAND PURCHASED FROM MST. IRSYAD MUMTAZ AND DEMAND OF BRIBE FOR ITS RESTORATION.**

COMPLAINT

Mr. Muhammad Ali Shaikh filed a complaint on 18-08-2023 that he purchased land admeasuring 03-33 acres, bearing survey No. 968, Deh Nangrija, Taluka Kotdiji from Mst. Irshad Mumtaz D/o Shahan Ali Shaikh (his wife) in the year 2014 through Registered Sale Deed No. 254 dated. 26-03-2014. He claimed that entry No. 65 dated. 18-06-2014 was inserted in Record of Rights and Pass Book was issued to him. Thereafter, Mukhtiarkar Kotdiji cancelled said entry of land. Subsequently, he alleged that Tapedar Lal Dino Mallah after receiving Rs. 500,000/- from him, kept entry No. 86 dated. 19-11-2016 which was again cancelled without any reason and Tapedars were demanding more bribe for keeping the entry. He claims to have approached Assistant Commissioner, Kotdiji who did not redress his grievance. So he solicited intervention of this Institution.

PROCEEDINGS

02. The complaint was admitted u/s 10 of the Establishment of the office of Ombudsman for the Province of Sindh Act, 1991 (amended up to date), by condoning the delay in filing it, subject to submission of copies of relevant documents and Affidavit on Form "A".

03. After completion of codal formalities, the matter was taken up with Assistant Commissioner, Kotdiji on 13-09-2023 for comments / report. After protracted correspondence and hearings, the Mukhtiarkar, Kotdiji reported on 13-02-2024 that as per entry No. 54 in VF-VII-A, the land bearing S.No. 968/3-33 acres was entered in the name of Shahan S/o Wali Muhammad Shaikh, which was deleted. As per Micro Filming Record, name of owner of the said land was written as Agedino s/o Imam Bux Shaikh of Deh Nagrija. As per entry No. 45 of VF-VII-B, Shahan Ali S/o Wali Muhammad sold out S.No. 968/3-33 acres (whole) to Mst. Irshad Mumtaz D/o Shahan Ali W/o Muhammad Ali (complainant) on the basis of "Oral Statement". Said entry was inserted in the bottom of page, but actual entry No. 45 of VF-VII-B entered in the name of Nazeer Hussain and others on the back side of said page. The then Assistant Commissioner, Kotdiji cancelled entry No. 65 dated. 18-06-2014 of VF-VII-B in favor of complainant "for want of correction at entry No. 54 of VF-VII-A". Again the then Assistant Commissioner cancelled entry No. 86 dated. 09-11-2016 for non-production of original record. Moreover, Mukhtiarkar denied the allegations of bribe against Tapedars describing the same as baseless.

04. Said report was shared with complainant on 14-02-2024 for rejoinder. Subsequently, the matter was fixed for hearing on 27-02-2024 which was adjourned to 05-03-2024 for production of original Record of Rights.

05. On 05-03-2024 Munshi Lal Dino Mallah appeared and produced original record in presence of complainant which was found full of interpolation and over writing and the original entry No. 54 was found in the name of Agedino S/o Imam Bux Shaikh inserted on the basis of "A" Form No. 2176. Subsequently name of Shahan Shaikh was inserted after removing the name of Agedino with "White Remover". The land involved was also not in possession of the complainant as informed by him.

06. The complainant submitted rejoinder on Mukhtiarkar's report dated. 13-02-2024, wherein he reiterated earlier stance and urged for keeping entry in Record of Rights and return of Rs. 500,000/- from accused Tapedar.

07. The complainant was asked to submit proof in support of the allegations made by him. He promised for the same. But he failed to prove the same despite ample opportunity and time. He was, therefore, advised to get the title of land cleared in the first instance from competent forum.

FINDINGS

08. From the above, it transpires that:

- i) it is case of restoration of cancelled entries in record of rights. The manner in which the entries were made in the record appears unconventional, irrational and illogical. The sign of interpolation, rubbing or fluid based alterations render the documents invalid.
- ii) the failure of the complainant to provide proof about taking or demanding huge bribe by the revenue official(s) for keeping the entries intact in his favor in record of rights, despite multiple opportunities, undermines his own allegations.
- iii) chapter XIII of the Land Revenue Act, 1967 outlines the mechanism for restoration of land disputes. The Act provides the provisions for Appeal, Review and Revision, if one is perturbed inter alia with addition and deletion of entries in land record.
- iv) the cancellation of entries in VF-VII A & B by the Assistant Commissioner Taluka Kotdiji, can be addressed by filing Appeal before Collector i.e. Deputy Commissioner under Section 161 of the Act, 1967.

DECISION

09. The complaint is, therefore, disposed of and consigned to record.

"Given under my hand and seal of office"

Sd /-

(MUHAMMAD SOHAIL RAJPUT)

Sitara-e-Imtiaz. PAS

Ombudsman, Sindh

Karachi, dated 5th June, 2025

