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PRESENTED  
19-2-2013  
7th FEBRUARY 1912

IN THE HIGH COURT OF SINDH BENCH AT SUKUR

C.P.No. D-591 of 2013

1. Munir Ahmed s/o Zul Haque by caste Ujjan, Muslim, adult, r/o Kandiaro Taluka Kandiaro District Naushahro Feroze,
2. Ahmed Ali s/o Mumtaz Ali, by caste Chanar, Muslim, adult, r/o Village Soomer Khan Chanar Taluka Kandiaro District Naushahro Feroze
3. Nazir Ahmed s/o Bahadur Ali, by caste Gopang, Muslim, adult, r/o Village Kamal Dero Taluka Kandiaro District Naushahro Feroze

.....Petitioners

Versus

1. Province of Sindh through its Secretary, Local Government Department, Govt. of Sindh Karachi,
2. Commissioner Sukkur Division, Sukkur,
3. Deputy Commissioner District Naushahro Feroze
4. Transation Officer, Taluka Municipal Administration, (Defunct) Kandiaro District Naushahro Feroze
5. Chairman, Sindh Peoples Development Committee Naushahro Feroze District Naushahro Feroze, through its Chairman to be served through Deputy Commissioner Naushahro Feroze
6. Administrator, Taluka Municipal Administration Kandiaro District Naushahro Feroze,

.....Respondents.

Constitution Petition Under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973.

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**ORDER SHEET**  
**THE COURT OF SINDH BENCH AT SUKKUR**

C.P.No.D-591 of 2013

1. For orders on office objection
2. For orders on CMA-2389/2013
3. For Katcha Peshi

06.03.2013

Mr. Athar Iqbal Shaikh for petitioner.

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Through this petition, petitioners have prayed as  
under:

- (a) To declare the act of respondents particularly respondents 1, 4, 5 and 6 thereby calling the NITs fully detailed arbitrary in annexures A and B without approval and being discriminatory by any proper public representatives forum and in the absence of Local Government elected council as illegal unlawful and without any lawful authority and thus the said NITs be declared void and without lawful authority.
- (b) To direct the respondents 1, 4, 5 and 6 to act in accordance with law and adopt the legal procedure provided for the utilization of the public funds preparing development schemes after prior approval and consultation of the elected Local Council representatives with proper procedure inter scheme priorities engineering, designs, feasibility and cost estimate and by public notice invite objections and proposal for such process and selections of development schemes.
- (c) To suspend the operation of the NITs duly published in the newspapers annexure A and B issued by the respondent 6 till decision of the present petition.
- (d) To restrain the respondents 1 and 4 from acting, implementing and issuing any work order, tenders, funds with regard to subject NITs annexure A and B by themselves, through any officers or any other person till decision of the present petition.
- (e) To grant any other just and equitable relief which has not been specifically prayed for under circumstances of the present matter and for the just decision of the present petition and in the interest of justice.

**ORDER SHEET**

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**THE COURT OF SINDH BENCH AT SUKKUR**

From the pleadings it appears that petitioner No.1 is a contractor while petitioners No.2 and 3 are social workers. Their grievance is that respondent No.6 has invited the tenders for various schemes worth about 20 crores including 58 development schemes through Daily "Sobh" dated February 15, 2013. Besides respondent No.6 in collusion with respondents No.1, 4 and 5 want to misappropriate the public funds under the garb of so-called development schemes and particularly in absence of elected local councils.

Since the petitioners have levelled bald and vague allegations against the respondents which are not substantiated by any cogent material, therefore, instant petition being devoid of force is dismissed in limine, along with the listed application. However, official respondents are directed to act strictly in accordance with law and respondent No.3 shall ensure that works are carried out in accordance with specifications and not a single penny is misappropriated by either of the respondents. In case it is found that under the garb of aforesaid tender notice, public exchequer is embezzled or misappropriated in that eventuality, besides other respondents, Deputy Commissioner, Naushahro Feroze, shall also share the responsibilities and consequences thereof.

Copy of this order be facsimile to the respondent No.3 for information and compliance.

  
JUDGE

JUDGE

N.M.