

ORDER SHEET
IN THE HIGH COURT OF SINDH BENCH AT SUKKUR
Const. Pett. No. D-1566 of 2025

DATE OF HEARING	ORDER WITH SIGNATURE OF JUDGE
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Hearing of case (priority)

1. For orders on office objections at flag 'A'
2. For hearing of main case

08.10.2025

Mehtab Ahmed Shar, Petitioner/Advocate present in-person
M/s Ali Raza Balouch and Agha Athar Hussain, AAGs a/w Nawaz
Ali DSP Legal on behalf of Shaheed Benazirabad

Through the instant Constitutional Petition filed under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, the petitioner seeks enforcement and implementation of the order dated **29.01.2025** passed by this Court in **Constitutional Petition No. D-341 of 2021**, whereby the official respondents were directed to ensure public safety by regulating vehicular movement on **Mehran Highway**, particularly by restraining the plying of **overloaded and heavy vehicles**, and by taking effective measures for the **repair, maintenance, and widening** of the said highway.

2. The petitioner contends that despite the clear and unambiguous directions issued by this Court in the aforesaid matter, the concerned authorities have failed to take any meaningful or effective action to safeguard human life and public property. It is alleged that the continued and unchecked movement of heavy and overloaded trailers and trucks on Mehran Highway has resulted in frequent and fatal accidents, causing irreparable loss of innocent lives and serious injuries to numerous persons. The petitioner has placed on record copies of **FIRs, media reports, and photographic evidence** depicting the severely deteriorated condition of the highway and the imminent danger it poses to the general public.

3. Upon issuance of notices, Respondents No. 8, 9, 11, and 12 filed their comments asserting that the directions previously issued by this Court had been complied with, and they undertook to ensure continued adherence in the future. However, upon perusal of the comments and supporting documents, it prima facie appears that the respondents have **failed to comply** with the earlier order of this Court in its true letter and spirit. The implementation report with respect to the judgment dated

29.01.2025 has not been submitted satisfactorily, and the respondents have not demonstrated any substantial progress in ensuring public safety or in maintaining the highway infrastructure. Their inaction constitutes a continuing violation of the **fundamental rights** of the public at large.

4. It is a settled principle that the **right to life**, guaranteed under **Article 9** of the Constitution, encompasses not merely the right to exist, but the right to live with **safety, dignity, and protection from avoidable hazards**. In case of **Sindh High Court Bar Association vs. Federation of Pakistan (PLD 2009 SC 879)**, the Hon'ble Supreme Court reaffirmed that compliance with judicial orders by executive authorities is **mandatory**, and deliberate or persistent inaction amounts to **defiance of constitutional obligations**.

The material on record reveals that **Mehran Highway** is in a **deplorable and unsafe condition**, and the unregulated movement of heavy vehicles has rendered it extremely hazardous for ordinary motorists. The loss of numerous lives is a direct consequence of administrative apathy and failure to discharge statutory duties diligently. This Court cannot remain a silent spectator where the **constitutional guarantee of the right to life and safety** stands compromised due to the negligence and indifference of the concerned departments.

5. In view of the foregoing circumstances and in order to ensure the effective implementation of this Court's earlier order dated 29.01.2025 in **C.P. No. D-341 of 2021**, the respondents are hereby directed as under:

*(i) The respondents shall ensure **strict compliance** with the order dated **29.01.2025** passed in **C.P. No.D-341 of 2021** within **four (04) weeks**'. The Office is directed to **tag the file** of the aforesaid petition with the present case for reference and monitoring purposes.*

*(ii) The **DIGs, Sukkur and Shaheed Benazirabad Regions**, along with the **Secretary, Transport Department**, shall immediately **prohibit the movement of overloaded and heavy vehicles** on Mehran Highway by establishing **permanent police and transport check-posts** at all entry and exit points (junctions).*

*(iii) The **Secretary, Works & Services Department**, shall, within **two (02) months**, prepare and submit a **comprehensive feasibility report** regarding the **repair, maintenance, and dualization (double road construction)** of Mehran Highway. The progress report shall be submitted to this Court through the **Additional Registrar**.*

*(iv) The respondents shall install **physical barriers, dividers, and traffic signage** at suitable intervals to restrict entry of heavy*

vehicles into prohibited sections and to ensure smooth and safe movement of light traffic.

(v) The Chief Secretary, Government of Sindh, shall constitute a High-Level Committee comprising representatives from the Transport Department, Works & Services Department, Traffic Police, and local administration to monitor compliance, supervise ongoing works, and ensure timely completion of repair and safety measures.

(vi) The Additional Advocate General, Sindh, shall submit periodic compliance and progress reports every six (06) weeks until complete implementation of the directions contained herein.

6. The **DIGs, Sukkur, Shaheed Benazirabad Regions**, and the **Secretary, Transport Department**, shall appear in person on the **next date of hearing** along with a **detailed compliance report**.

To come-up on **03.11.2025**

JUDGE

JUDGE

M.Ali*