

ORDER SHEET
IN THE HIGH COURT OF SINDH KARACHI

Const. Petition No. D-1223 of 2026

Date	Order with signature(s) of Judge(s)
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Priority

For orders on office objection
For hearing of Misc. No.4710/2026
For hearing of main case

06.03.2026

Mr. Habib-ur-Rehman Jiskani alongwith petitioner *Ms. Sofia Lakho*

Mr. Mohsin Shahwany, Additional Attorney General for Pakistan

Mr. Hakim Ali Shaikh, Additional Advocate General, Sindh
assisted by Mr. Kamran Baloch, AAG

Syed Yasir Ahmed Shah, Advocate alongwith M/s. Abdul Lateef
Mahesar, Member (South), NHA, Zubair Ahmed, G.M (M-9),
Ubaidullah Umrani, G.M Sindh (South) and Muhammad Hussain
Shaikh, G.M Sindh (North), NHA

M/s. Sultan Chaudhry, I.G, National Highway and Motorway
Police, Munir Ahmed Shaikh, Addl: I.G, Syed Fareed Ali, South
Zone, Rana Liaquat, AIG (Legal), DSP Israr Tunio, SO to Addl: I.G,
Inspector Umair, Reader to DIG and SIP Aadarsh, Legal Incharge,
NHMP

M/s. M. Tufail, DSP (Legal), TRO, Muhammad Saeed, DSP,
Traffic South and Mr. Raza Mian, DSP (Legal-II), CPO, Karachi

ORDER

MUHAMMAD SALEEM JESSAR, J. Syed Yasir Ali Shah, Advocate files his Vakalatnama along with comments on behalf of Respondent Nos.2 and 3, taken on record, and hands over copy of the comments to the learned counsel for the petitioner, who seeks time to go through the same. Learned Additional Attorney General for Pakistan, Karachi files comments on behalf of Respondent Nos.4 and 5 along with set of documents, taken on record.

2. The Respondent Nos.2 and 3, the Chairman Highway Authority and General Manager, Sindh Region, National Highway Authority have filed their counter affidavits; they have placed on record the documents regarding periodic maintenance works conducted on national highway N-5, *Hyderabad - Sakrand* section and N-55 *Jamshoro - Wagan* section. The written reply demonstrates that almost entire work has been completed,

which has been strongly controverted by the petitioner by contending that the national highway from *Hyderabad* to *Ranipur* is almost in a non-workable condition. Due to a completely destroyed road there are huge lines of the vehicles on the road depicting a picture of blockade, which has caused several fatal accidents, for which the National Highway Authority is solely responsible.

3. We have gone through the counter affidavit; in its para-7 the Chairman National Highway Authority has stated that the motorway is structurally sound, geometrically compliant and fully serviceable. It is further stated that routine and preventive maintenance, pavement rehabilitation, thermoplastic road markings, signage, drainage management and 24/7 Emergency Response & Rescue Services are operational across the corridor. For the sake of convenience para 7 of the counter affidavit is reproduced below:-

7. Paragraphs 10 and 11 are denied. The M9 Motorway is being operated and maintained pursuant to a duly executed Concession Agreement with Score Pvt. Ltd, by National Highway Authority (NHA), on a Build-Operate-Transfer (BOT) basis, strictly in accordance with approved Operations & Maintenance (O&M) standards and Good of Industry Practice. The motorway remains structurally sound, geometrically compliant and fully serviceable Routine and preventive maintenance, pavement rehabilitation, thermoplastic road markings, signage, drainage management and 24/7 Emergency Response & Rescue Services are operational across the corridor. The allegation that several stretches lack thermoplastic lane markings, reflective cat-eyes, median reflectors or luminous edge lines is factually incorrect. Thermoplastic lane markings, reflective pavement markers (cat-eyes), median reflectors and edge line delineation are installed and maintained in accordance with approved engineering specifications and applicable O&M standards across the M9 corridor Periodic inspection and maintenance of road markings and reflectors form part of routine preventive maintenance and any localized wear, where observed, is addressed in accordance with scheduled maintenance protocols The assertion that night-time driving conditions on M9 are rendered hazardous due to absence of such features is therefore misconceived and unsupported by any technical inspection report or competent authority finding."

4. The contents of the reply are quite conflicting to the situation existing on the ground, the travel histories, so produced on record by the petitioner depicted a gloomy picture of the last two months. File shows numerous press clippings of Daily Dawn and other newspapers that fatal accidents have occurred at *Kathore* section in between Toll Plaza and *Noori Abad* over M- 9. Per reports besides other factors the road condition was a

significant contributory for the accidents. If an accident happened due to a bad road condition impliedly the responsible officers of the NHA shall account for the same and they cannot be absolved from their contribution to those fatal accidents. It transpired from record that on Feb 13, 2026 twelve persons were killed and six injured in a road accident near Kathore over M - 9 and the picture available at page 39 clearly demonstrated the road condition. On Feb 16, 2026 six persons were killed in a road accident near *Naushehro Feroz* on N - 5 and photographs so made available at page 45 bring very miserable condition of the road. On Feb 15, 2026 eleven persons were killed and eighteen were injured on national highway near *Khairpur* for the similar reasons¹. The contention of the National Highway Authority that the road was in a very good condition is nothing but an attempt to divert the scope of the petition, wherein the petitioner has prayed that the NHA officials are responsible for casualties on account of road accidents and FIRs with regard to the accidents be lodged against them.

5. At this stage Mr. Abdul Lateef Mahesar, Member South Zone, National Highway Authority, Sindh is present and undertakes that construction of metalled road over Indus highway will be completed by the end of March, 2026. As far as Moro road is concerned, Mr. Muhammad Hussain Shaikh, G.M Sindh (North), NHA undertakes that it will be completed by June, 2027. We are not satisfied with such undertakings as the Indus Highway is under construction since last about 8 - 9 years as stated by the Member NHA and such delayed construction has resulted into escalation of the cost, resulting into huge loss to the national exchequer. The NHA shall file a comprehensive reply with regard to the delay in completion of two important road arteries connecting rest of the Country with its commercial hub Karachi. Due to the delay in construction work and untimely maintenance issues not only the business in Karachi has suffered a huge setback, for which the NHA officials have to account for too. NHA is directed to furnish the details of maintenance works undertaken during the period of last three years on M-9 and National Highway.

6. Though it is a fit case, wherein the directions could have been issued to the concerned police authorities for registration of cases of

¹ Available at page 49 of the petition.

criminal negligence against the officials of NHA but as an indulgence, and at this stage, we do not find fit to pass any direction regarding registration of FIRs against National Highway officials, however, deem it appropriate that in order to save lives of the people in future and to halt the accidents to occur due to bad road condition a High Level Committee may be constituted to probe into the fatal accidents for fixation of the responsibility against the delinquent officials.

7. For the foregoing reasons a Committee headed by the Chief Secretary, Sindh with Secretary Works and Services, Government of Sindh, representative from the ministry of Communication, Government of Pakistan, representative from the office of Inspector General of Police, Sindh, representative from the office of Inspector General, National Highway and Motorway Police and a member duly nominated by the National Highway Authority is hereby constituted to probe into the reasons for such fatal accidents on the M-9 motorway and the national highways in the province of Sindh. The Committee shall be notified by the Chief Secretary within a weeks' time from today and it shall conduct a thorough probe regarding the reasons of the fatal accidents on the M-9 and national highways in the province of Sindh and shall submit its recommendations for the roads improvement and traffic management within a period of one month thereof to this Court.

8. Additional Inspector General, National Highway and Motorway Police is present, who shall remain present on the next date of hearing, however, attendance of remaining officers from NHMP is dispensed with unless directed otherwise. Officers from NHA present in the Court today shall remain present on the next date along with compliance report.

9. To come up on **10.04.2026**, to be taken up at **10:00 a.m.** Since Inspector General of Police, Sindh has been made party; however, no notice has been issued to him. Let fresh notice be issued to him. Learned counsel for the petitioner is directed to file amended tile of the petition by arraying Province of Sindh as party. Office is directed to issue fresh notice to the learned Advocate General and Prosecutor General, Sindh, so also the Chief Secretary and Secretary Works and Services Department, Government of Sindh with directions to remain present before the Court alongwith comprehensive report, as directed above.

10. Office to send copy of this order to Respondents by facsimile today. The copy of the order shall be sent to Chief Secretary Sindh by Fax today. The copy of the order shall also be transmitted to the law officers of province and federation for compliance. Learned MIT- II to ensure compliance.

**JUDGE
HEAD OF CONST. BENCHES**

JUDGE

B-K Soomro