

HIGH COURT OF SINDH BENCH AT SUKKUR

Constitutional Petition No.D-1041 of 2026

[Syed Husnain Raza Musavi vs. Province of Sindh and others]

Before:-
Mr. Justice Zulfiqar Ali Sangi,
Mr. Justice Arbab Ali Hakro,

Petitioner : Syed Husnain Raza Musavi, *Through*
Mr. Shafique Ahmed Khan Leghari,
Advocate

Respondent No.6 : Assistant Executive Engineer, Nara
canal, Sub Division Sukkur, through
Mr. Sawan Khan Jagirani, **Advocate.**

Respondents : Province of Sindh & others, through
Mr. Shahryar I Awan,
Assistant Advocate General.

Date of hearing : 23.07.2026

Date of decision : 23.07.2026

ORDER

ARBAB ALI HAKRO J.- Through this petition under Article 199 of the Constitution, the petitioner seeks directions against the Irrigation Department and SEPCO for restoration of irrigation water to his agricultural lands through RD-26 Ex-Private Lift Channel and for restoration of electricity supply to the lift machine installed thereon, notwithstanding the admitted disconnection of electricity due to non-payment of SEPCO dues.

2. The concise factual matrix is that the petitioner claims ownership of agricultural lands bearing Survey Nos. 419, 610, 609 and 88, situated at Deh Dodanko, Tapo Arore, Taluka Rohri, irrigated through

the RD-26 Ex-Private Lift Channel. A lift machine is installed at the said channel, which admittedly consumes electricity. The petitioner states that he and other Khatedars paid certain amounts in cash and by cheque to respondent No.11 for electricity and solar charges, but respondent No.11 misappropriated the amounts and failed to deposit the SEPCO bill, resulting in the disconnection of electricity and the removal of the transformer. The petitioner alleges that respondent No.11, being influential, has obstructed his water share, while official respondents Nos. 5 and 6 have failed to redress his grievance.

3. Learned counsel for the petitioner argued that the petitioner has been deprived of his lawful water share due to the dishonest conduct of respondent No.11; that the petitioner paid substantial amounts to respondent No.11 towards electricity charges; that SEPCO disconnected electricity due to non-payment of dues; and that the Irrigation authorities are bound to restore water to the petitioner as per his sanctioned time. He submitted that the petitioner's fundamental rights have been violated.

4. Learned counsel for respondent No. 6 contended that the petitioner's grievance arises from private arrangements between the petitioner and respondent No. 11; that the lift machine cannot operate without electricity; that SEPCO has lawfully disconnected the supply due to non-payment of dues; and that the Irrigation Department cannot be compelled to provide water through a non-functional lift machine. He submitted that disputed questions of fact and private monetary disputes cannot be adjudicated under Article 199.

5. Learned A.A.G. supported the official respondents' stance and submitted that SEPCO is legally obliged to disconnect electricity in the event of default; that the petitioner has not paid SEPCO's electricity bill; that any payment made to respondent No. 11 was the petitioner's own choice and fault; and that no public law right has been infringed.

6. Heard arguments and perused the record.

7. The petitioner himself admits that the lift machine consumes electricity and that SEPCO disconnected the supply for non-payment of dues. The SEPCO bill on record shows outstanding arrears. The petitioner has not produced any material to show that he has paid the electricity bill to SEPCO. Any payment made by the petitioner to respondent No.11 was his own voluntary act and cannot bind SEPCO, nor can it create any enforceable right in constitutional jurisdiction.

8. SEPCO is a statutory public utility and is legally obliged to disconnect electricity in the event of default. No writ can compel SEPCO to restore electricity without payment of dues. The lift machine cannot operate without electricity, and therefore the petitioner's grievance regarding irrigation water is directly linked to his own default in payment of electricity charges. The petitioner cannot seek restoration of water through a lift machine that is non-functional due to his own failure to pay the electricity bill.

9. The petitioner's dispute with respondent No.11 over alleged misappropriation of funds is purely a private matter, for which civil and criminal remedies are available. Constitutional jurisdiction cannot be invoked to resolve private monetary disputes or to enforce private arrangements between Khatedars.

10. As regards the prayer for restoration of water share, the petitioner relies on Deh Form VII-B entries and Rupkari reports. Whether the petitioner has a sanctioned outlet, what the *warabandi* is, and whether any obstruction exists are disputed factual matters that require evidence and technical determination by the competent Irrigation authorities. Article 199 is not designed to undertake such factual inquiries or to supervise the operational decisions of the Irrigation Department.

11. No violation of any enforceable fundamental right has been demonstrated. The petitioner's grievance stems from his failure to pay electricity dues and from private disputes with respondent No.11. The petition is misconceived and does not warrant interference under the constitutional jurisdiction.

12. For the foregoing reasons, this petition is **dismissed**.

JUDGE

JUDGE

S.Nawaz(st)