

THE HIGH COURT OF SINDH BENCH AT SUKKUR

C. P. No. D – 1643 of 2025

[Mst. Ghulam Kubra v. Province of Sindh and others]

Before:
Justice Arbab Ali Hakro
Justice Muhammad Osman Ali Hadi

Petitioner by : Mr. Alam Sher Bozdar, Advocate

Date of Hearing : **11.08.2026**

Date of Decision : **11.08.2026**

ORDER

ARBAB ALI HAKRO, J. – Through this Constitution Petition under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, the petitioner, an elected Member of the District Council Khairpur on a reserved seat for women since 2022, has invoked the constitutional jurisdiction of this Court against the Province of Sindh, local government functionaries, district council authorities, and a private contractor, seeking multiple reliefs for alleged denial of an honourarium, discriminatory treatment on political grounds, alleged misuse of District Council Khairpur funds, distribution of public welfare items, and construction of a street in her village.

2. Briefly stated, the case of the petitioner is that although she was elected as a member of District Council Khairpur on a women’s reserved seat, she was allegedly denied the monthly honourarium, which, according to her, was being paid to other council members. It is further alleged that development proposals submitted by her were not entertained due to her political affiliation; that development works were awarded to favoured persons; that public welfare items, including solar plates, solar fans, hand pumps and sewing machines, were distributed in a discriminatory manner; that funds of District Council Khairpur have allegedly been misused since 2022 without proper audit; and that the respondents failed to undertake development work, particularly the construction of the main street of Village

Banhoon Khan Shar, Taluka Nara. On these assertions, the petitioner seeks reports on development works and the distribution of welfare items, payment of honourarium with arrears, the appointment of an inquiry officer, and directions for the construction of the street.

3. Learned counsel for the petitioner has contended that the petitioner has been discriminated against on political grounds in violation of Articles 4 and 25 of the Constitution; that similarly placed members have allegedly received benefits and an honourarium, whereas the petitioner has been excluded; that intervention by this Court is warranted to protect her constitutional and legal rights; that public funds have been misapplied; and that judicial directions are necessary to ensure transparency and accountability.

4. We have heard the learned counsel for the Petitioner and have perused the material on record.

5. It is now a settled principle that constitutional jurisdiction under Article 199 of the Constitution is intended to enforce an established legal right, not to determine uncertain, disputed or unascertained rights. The Supreme Court of Pakistan, in Special **Secretary-II (Law & Order), Home & Tribal Affairs Department, Government of Khyber Pakhtunkhwa**¹ has reiterated that writ jurisdiction is not ordinarily available where adjudication of disputed questions of fact is required, or where the asserted right itself has yet to be established. Similarly, in **Jameel Qadir**², the Supreme Court emphasized that questions involving disputed factual controversies and matters for which adequate statutory remedies exist do not ordinarily warrant the exercise of constitutional jurisdiction.

6. An examination of the present petition demonstrates that virtually every allegation raised by the petitioner is based on disputed questions of fact that require detailed inquiry, including the production of accounts, the

¹ Special Secretary-II (Law & Order), Home & Tribal Affairs Department, Government of Khyber Pakhtunkhwa v. Fayyaz Dawar (2023 SCMR 1442)

² Jameel Qadir v. Government of Balochistan (2023 SCMR 1919)

examination of official records, audit material, budgetary allocations, procurement proceedings, and evidence regarding alleged discrimination. Whether an honourarium was legally admissible to a member holding a reserved seat; whether any valid rule, notification, resolution, or statutory provision conferred such entitlement; whether payments were made to other members; whether development schemes were approved or declined for lawful reasons; and whether there was any misuse of public funds are all matters requiring factual determination. Such controversies cannot be adjudicated in constitutional proceedings on the basis of bare allegations.

7. Significantly, the petitioner has failed to identify any specific statutory provision, rule, notification or lawful resolution that creates an enforceable right in her favour regarding the claimed honourarium. A mere assertion that others have allegedly been paid cannot, by itself, furnish a legal basis for the issuance of a writ. The principle is equally settled that Article 25 of the Constitution guarantees equality before the law but does not contemplate equal treatment in illegality. Unless a lawful entitlement is first established, a claim of discrimination cannot succeed merely on the ground that another person has allegedly been granted a benefit.

8. The prayers seeking reports on development schemes, the distribution of welfare items, and alleged misuse of funds are essentially roving and fishing inquiries. The statutory framework governing local government institutions provides mechanisms for inspection, audit, inquiry, and access to information. Where such remedies are available, constitutional jurisdiction is not ordinarily invoked as the first recourse. The petitioner has not placed on record any material showing the exhaustion of such remedies or demonstrating their inefficacy.

9. The prayer seeking direction for the construction of a village street is also not maintainable in constitutional jurisdiction in the facts of the present case. Allocation of development schemes and prioritisation of public works fall within the domain of the competent authorities, subject, of course, to law. In the absence of any established statutory duty concerning a specific

approved scheme, no writ of mandamus can be issued directing the execution of a development project merely on the basis of a grievance raised by an individual member.

10. Upon an overall assessment of the matter, we are of the considered view that the petition does not disclose any infringement of an established legal right warranting the exercise of constitutional jurisdiction. The controversy rests on disputed factual assertions, requires evidence and inquiry, and is further affected by the availability of statutory and administrative remedies. No case for the issuance of constitutional directions is made out.

11. Consequently, this Constitution Petition is **dismissed** in *limine*, as not maintainable along with the pending application.

J U D G E

J U D G E

Abdul Basit