THE HIGH COURT OF SINDH BENCH AT SUKKUR

C. P. No. D – 1234 of 2024

[*Muhammad Mithal Malano v. Province of Sindh and others*]

Before:
Justice Arbab Ali Hakro
Justice Muhammad Osman Ali Hadi

Petitioner by	:	Mr. Sikandar Ali Junejo, Advocate
Respondents by	:	M/s Waqas Ali Soomro, Advocate and Shahryar Imdad Awan, Assistant Advocate General Sindh
Date of Hearing	:	**12.08.2026**
Date of Decision	:	**12.08.2026**

O R D E R

ARBAB ALI HAKRO, J. – The petitioner, who claims to be an elected General Member of Union Council No.09 Metla, District Sukkur, has invoked the constitutional jurisdiction of this Court under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, seeking directions for the production of reports on the release and utilization of funds allocated to Union Council No.09 Metla, the conduct of an audit of the Union Council's funds, and the holding of an inquiry into the development works allegedly undertaken within the territorial limits of the said Union Council.

2. Briefly stated, the case set out in the petition is that the petitioner was elected as a General Member in the 2022 local government elections for Union Council No. 09, Metla, District Sukkur. According to him, an amount of Rs.500,000/- was allocated and released by the District Government for each Union Council to carry out official functions and developmental activities. It is alleged that, despite the release of such funds, respondent No. 10 has neither convened meetings of the Union Council nor utilized the funds for public purposes. It is further alleged that no audit of the Union Council funds has been conducted. The petitioner asserts that he, along with other elected representatives, approached the concerned authorities and submitted complaints to the Enquiries and Anti-Corruption Establishment; however, no action was allegedly taken. On the basis of the aforesaid assertions, the

petitioner seeks directions for the disclosure of records, the conduct of an audit, and the holding of an inquiry into the affairs and development works of the Union Council.

3. Learned counsel for the petitioner contended that public funds allocated to Union Council No. 09 constitute a public trust and must be utilized in accordance with the law. According to him, despite the allocation and release of funds by the competent authorities, the Chairman of the Union Council has failed to convene meetings, disclose accounts, undertake equitable developmental activities, and maintain transparency in public expenditure. It was argued that repeated representations and complaints submitted to the relevant authorities have remained unattended, thereby compelling the petitioner to approach this Court. Learned counsel submitted that, as an elected member of the Union Council, the petitioner has sufficient locus standi to seek protection of public funds and to enforce statutory obligations relating to accountability, transparency, and financial discipline in local government institutions. He therefore prayed that the respondents be directed to produce records regarding the release and utilization of funds and that an audit and inquiry be ordered by the competent authorities.

4. Learned counsel appearing on behalf of the local government respondents opposed the petition and contended that the allegations levelled by the petitioner are entirely factual in nature and require a detailed inquiry into financial records, expenditure statements, administrative proceedings and developmental activities. He submitted that no material has been placed on record establishing either misappropriation of funds or unlawful expenditure. He further argued that the Sindh Local Government Act, 2013 provides a complete mechanism for the inspection, audit, inquiry and accountability of local councils; therefore, constitutional jurisdiction cannot be invoked in disregard of the remedies expressly provided by statute.

5. Learned Assistant Advocate General adopted the submissions advanced on behalf of the official respondents. He maintained that the petition is premature and not maintainable, as the petitioner seeks the initiation of fact-finding exercises and investigative proceedings rather than the enforcement of any clearly established legal right. According to him, matters relating to audit, inspection and inquiry fall within the domain of the

authorities constituted under the Sindh Local Government Act, 2013, including the Local Fund Audit Authorities, the Provincial Local Government Commission and other competent forums. He submitted that where adequate statutory remedies exist, constitutional jurisdiction ought not to be exercised.

6. We have heard learned counsel for the parties at considerable length and have carefully perused the record.

7. The principal question for determination is whether this Court, in exercise of its jurisdiction under Article 199 of the Constitution, may directly order an audit, financial scrutiny and inquiry into the affairs of a Union Council merely on the basis of the allegations contained in the petition and the annexed complaints.

8. There can be no cavil with the proposition that public funds entrusted to local government institutions must be administered in a transparent and accountable manner. The Sindh Local Government Act, 2013 contains an elaborate statutory framework governing the maintenance of accounts, the preparation of budgets, audits, inspections, inquiries and the supervision of local councils. The statute further envisages annual audits, special audits, inspections and inquiries by competent authorities, and provides mechanisms for examining financial irregularities and misconduct. Therefore, the legal regime itself recognizes and safeguards accountability in the utilization of public funds.

9. However, a careful examination of the pleadings reveals that the petitioner essentially seeks the initiation of an inquiry to determine whether allocated funds were released, whether such funds were utilized, whether meetings were convened, whether developmental works were undertaken, and whether any financial irregularity has occurred. These are all disputed questions of fact that require examination of official records, accounts, vouchers, administrative proceedings, and other documentary evidence. None of these questions can be conclusively determined on the basis of bare allegations contained in the petition.

10. The record before the Court contains no certified audit report, official financial statement, release order, utilization certificate, account record, procurement document, work order, measurement book, inspection report, or

any other unimpeachable material substantiating the allegations of misuse, non-utilization, or misappropriation of funds. The complaints annexed to the petition may show that representations were made to various authorities; however, they do not establish the factual assertions on which the entire case of the petitioner rests.

11. The settled principle governing constitutional jurisdiction is that writ proceedings are intended for enforcement of a clear and established legal right and not to determine disputed facts requiring the recording of evidence. In ***Special Secretary-II (Law & Order), Home & Tribal Affairs Department***[1], the Supreme Court held that Article 199 is not designed to resolve disputed factual controversies and that constitutional jurisdiction is ordinarily invoked where the right asserted is clear, complete and demonstrably infringed. The Court further observed that matters requiring elaborate inquiry and examination of evidence fall outside the proper ambit of writ jurisdiction. Likewise, in ***Jameel Qadir***[2], the Supreme Court reiterated that where a statute provides an adequate and efficacious remedy, parties are required to exhaust that remedy before invoking constitutional jurisdiction. The doctrine of exhaustion of remedies remains an important jurisdictional consideration and prevents constitutional courts from assuming functions statutorily assigned to specialized forums and authorities.

12. Although the petitioner's status as an elected member of the Union Council may provide him with sufficient standing to raise grievances concerning local governance and public accountability, locus standi by itself cannot cure defects of maintainability. In the present case, the statutory framework under the Sindh Local Government Act, 2013 provides multiple avenues through which the grievances of the petitioner may be examined. These include audit proceedings, inspection mechanisms, proceedings before the Provincial Local Government Commission, departmental inquiries, requests for information, and proceedings before the Enquiries and Anti-Corruption Establishment wherever allegations of corruption or misuse of public funds are involved. The existence of such remedies substantially undermines the maintainability of the present petition.

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[1] Special Secretary-II (Law & Order), Home & Tribal Affairs Department v. Fayyaz Dawar (2023 SCMR 1442)
[2] Jameel Qadir v. Government of Balochistan, Local Government Department (2023 SCMR 1919)

13. What the petitioner effectively seeks is a direction from this Court requiring executive and statutory authorities to conduct audit and inquiry proceedings. Such directions, if issued as a matter of course on unverified allegations, would transform constitutional jurisdiction into a roving investigative mechanism, a course consistently discouraged by the superior Courts. The constitutional mandate of this Court is to enforce legal rights and ensure the legality of public action, not to undertake or supervise investigative and auditing functions vested by law in specialized authorities.

14. We are, therefore, of the considered view that the controversy raised in the present petition predominantly involves disputed questions of fact that require examination by the competent statutory forums. The petitioner has not demonstrated that the remedies available under the governing statutory framework are unavailable, ineffective or illusory.

15. For the foregoing reasons, this petition is not maintainable and is accordingly **dismissed** along with any pending miscellaneous application.

J U D G E

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Abdul Basit