

**IN THE HIGH COURT OF SINDH BENCH AT SUKKUR**

*Constitutional Petition No. D-94 of 2026.*

*[Muhammad Hassan vs. Province of Sindh and others]*

Date	Order with the signature of the judges
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***Before:-***

***Mr. Justice Amjad Ali Bohio***

***Mr. Justice Ali Haider 'Ada'***

*For hearing of main case.*

**01.04.2026.**

Petitioner Muhammad Hassan Jatoi, present in person.  
Mr. Farhan Ali Shaikh, Advocate for Respondent no.05.  
Mr. Ali Raza Balouch, Additional Advocate General Sindh, along with Shafi Muhammad Khaskheli, DSP Legal on behalf of SSP Sukkur, Inspector Aftab Ahmed Shaikh on behalf of DIGP Sukkur, SIP/SHO Ghulam Abass of P.S Airport, Sukkur, Bisharat Ali Mangi, Deputy Director, NHA, Sukkur and Fayyaz Ali Mangi, RTO Sukkur.

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**Ali Haider 'Ada' J.-** This petition has been filed as a pro bono public litigation, whereby the petitioner seeks directions against the respondents for the construction of a U-turn facility at Babarloi Bypass, and further seeks directions for the provision of pick-and-drop service from Bus Terminal Sukkur to Babarloi Bypass.

2. Para-wise comments have been filed by Respondent No. 2 and 6 (Transport Department), wherein it is stated that there is no hindrance in the flow of traffic. It is further submitted that, in compliance with the policy of the Government, passengers are not allowed to be picked up from roadside locations. Similarly, comments submitted by respondent No. 3 (DIGP Sukkur Range), Respondent No. 7 and 8 (SSP Sukkur and SSP Traffic), and the statement of respondent No. 9 (SHO, P.S Airport Sukkur) have been taken on record. Learned counsel, Mr. Humayun Shaikh, has filed Vakalatnama on behalf of the National Highway Authority (NHA). The NHA has also submitted its para-wise comments, stating

therein that the flow of traffic at the relevant point has been properly designed, and that construction work, including a flyover at the location mentioned in the petition, is already in progress.

3. The petitioner appeared in person and submitted that he is a transporter, and his vehicles operate from Babarloi Bypass to Multan. He further stated that, so far as the flyover is concerned, the same has already been constructed.

4. Learned Additional Advocate General submitted that the present petition does not fall within the ambit of pro bono litigation, as it is motivated by personal interest. It is contended that the petitioner intends to facilitate his own transport business by seeking permission to pick up passengers from Bus Terminal Sukkur to Babarloi Bypass, and thereafter transport them to Multan. It is further argued that government-operated bus services are already available on the said routes, and therefore, no such directions are warranted.

5. Heard. Record perused.

6. From the material available on record, it is evident that the respondents, being public functionaries, have already undertaken measures to regulate traffic, and that construction of a flyover/intersection at the relevant point is in progress. As regards the relief sought for provision of pick-and-drop services, the same cannot be claimed as a matter of right.

7. It has clearly emerged that the petitioner is a transporter by profession and seeks to initiate or expand his business operations from the specified location. The petition, therefore, appears to have been filed to advance personal business interests rather than to serve any genuine public cause. Consequently, the present petition does not fall within the domain of pro bono public litigation. It is a settled principle that in petitions of this nature, the petitioner must demonstrate that the litigation is solely in the public interest, aimed

at promoting a broader public good, and not to further personal or commercial interests. In the present case, the availability of existing government transport services further negates the necessity of judicial interference in the executive domain without lawful justification. Reliance is placed on the case of **Javed Ibrahim Paracha vs. Federation of Pakistan and others (PLD 2004 SC 482)**, as well as **Premier Battery Industries (Pvt.) Ltd. vs. Karachi Water and Sewerage Board and others (2018 SCMR 365)**, wherein it has been held that:

*13. In the present case, at the centre of the controversy is a built, own and operate project for uninterrupted supply of electricity to various pumping stations operated by KWW&SB. Work towards the operation of these pumping stations has direct nexus with the supply of water to citizens of Karachi which has not progressed since March, 2017, when this litigation was initiated. While the Court is not inclined without evidence to impute any motives to the petitioner, we must emphasize that public interest litigation undertaken by a citizen must in the first place transparently demonstrate its complete bona fides; that such litigation is not being undertaken to serve a private or vested interest and is demonstrably aimed at serving public interest, good or welfare. These attributes in a public interest initiative have already been dilated upon by this Court in Muhammad Shafique Khan Sawati v. Federation of Pakistan (2015 SCMR 851); ECHO West International (Pvt.) Ltd. v. Government of Punjab (PLD 2009 Supreme Court 406); Iqbal Haider v. Capital Development Authority (PLD 2006 Supreme Court 394) and Javed Ibrahim Paracha v. Federation of Pakistan (PLD 2004 Supreme Court 482).*

8. The judgments cited supra lay down the principle that pro bono public litigation cannot be undertaken to serve private or vested interests.

9. Furthermore, it is a well-settled principle of law that matters relating to policy formulation and the manner in which public functions are to be performed fall within the exclusive domain and prerogative of the executive. Ordinarily, the Courts refrain from interfering in such matters unless there is a clear violation of fundamental rights or breach of any constitutional mandate. In the present case, the petitioner has failed to demonstrate any

infringement of fundamental rights or violation of any constitutional provision. On the contrary, the petition, on the face of it, appears to have been filed with the intent to achieve personal objectives and advance private business interests. Support for this view can be drawn from the cases of **Peshawar Electric Supply Company Ltd. (PESCO) and another vs. SS Polypropylene (Pvt.) Ltd., Peshawar and others (PLD 2023 SC 316)**, **Messrs Sadiq Poultry (Pvt.) Ltd. vs. Government of Khyber Pakhtunkhwa through Chief Secretary and others (PLD 2023 SC 236)**, and **Sikandar Ali and others vs. Province of Sindh through Secretary Education and Literacy Department, Sindh Secretariat, Karachi and others (2023 PLC (C.S.) 566) [Sindh High Court (DB)]**, wherein it has been consistently held that the Courts should not interfere in policy matters of the executive in the absence of any constitutional or legal violation.

10. In view of the foregoing and keeping in mind the facts and circumstances of the case, the present petition is misconceived, devoid of merit, and is accordingly dismissed.

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