HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

C.P. No.D-1852 of 2015
[Mashooque Ali vs. Province of Sindh and others]

Before:
JUSTICE ADNAN-UL-KARIM MEMON
JUSTICE MUHAMMAD JAFFER RAZA

Petitioner:	By Mr. G.M Leghari, Advocate
Respondents	By Mr. Ayaz Ali Rajper, Assistant A.G Sindh a/w AXEN Taimoor Gul
Date of hearing	23.10.2026
Date of Decision	23.10.2026

O R D E R

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ADNAN-UL-KARIM MEMON J:- The petitioner seeks directions to the respondents for reconstruction and repair of the road and bridges / culverts situated on the route from Tando Ghulam Ali, Gulab Laghari and Shaikh Bhirkio to Hyderabad, particularly Haji Muhib Ali Laghari, Bhar Stop, Gulab Laghari Chowk opposite Sakhi Petrol Pump and Jhan Mori Naseerwah Bridge, alleging that their dilapidated condition poses a serious threat to public safety and disrupts traffic.

2. Learned AAG, assisted by the Executive Engineer concerned submits that the subject road does not fall within its jurisdiction and is under the administrative control of the Provincial Highways, Hyderabad Division; therefore, this petition merits no consideration.

3. We have heard learned AAG, assisted by the Executive Engineer, and examined the available material.

4. The grievance raised by the petitioner concerns the dilapidated condition of a public road and the bridges/culverts situated on the route from Tando Ghulam Ali, Gulab Laghari and Shaikh Bhirkia to Hyderabad, particularly at Haji Muhib Ali Laghari, Bhar Stop, Gulab Laghari Chowk opposite Sakhi Petrol Pump and Jhan Mori Naseerwah Bridge.

5. The condition of public roads and bridges directly affects the safety, convenience and free movement of general public and, therefore, cannot be disregarded by the competent authorities.

6. The law provides that the construction, repair and maintenance of provincial roads and highways is a function of the concerned department. The competent administrative authority is required to undertake inspections, identify necessary repairs and process maintenance works in accordance with the applicable rules, technical requirements and budgetary provisions.

7. Although learned AAG submits that the subject road does not fall within the jurisdiction of the respondents represented by him, such a submission, by itself, does not resolve the public grievance. The competent authority having administrative control over the road is under an obligation to consider its condition and take appropriate measures for its maintenance and repair in accordance with law.

8. The constitutional jurisdiction of this Court under Article 199 of the Constitution could be invoked to require a public authority to perform a duty imposed upon it by law; however, this Court would not ordinarily substitute its own assessment for the technical evaluation, prioritization or lawful allocation of public funds by the competent department.

9. In view of the foregoing, this petition is disposed of with direction to the Secretary, Works and Services Department, Government of Sindh/competent authority of High way departments, and the competent authority of the Provincial Highways, Hyderabad Division, to ascertain the administrative jurisdiction over the road in question and, if the same falls within their control, cause an inspection of the identified road sections and bridges/culverts through the concerned technical officers. If any portion falls within the jurisdiction of another department or local authority, the matter shall be referred to that authority for necessary action. The competent authority shall assess the urgency of the required repairs, particularly any defects posing an immediate risk to public safety, and take appropriate action in accordance with law, applicable technical standards and available budgetary provisions. Where immediate reconstruction is not feasible, necessary interim safety measures shall be considered to protect road users.

JUDGE

JUDGE

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