

THE HIGH COURT OF SINDH BENCH AT SUKKUR

C. P. No. D – 712 of 2026

[Sultan Ahmed and others v. Province of Sindh and others]

Before:

Justice Arbab Ali Hakro

Justice Muhammad Osman Ali Hadi

Petitioners by : Ms. Rabia Balouch, Advocate

Date of Hearing : 01.09.2026

Date of Decision : 01.09.2026

ORDER

ARBAB ALI HAKRO, J. – Through the instant petition, filed under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, the petitioners seek various directions against the official and private respondents for the provision of employment, electricity, gas, clean drinking water, healthcare, sanitation and educational facilities, as well as the transparent allocation and utilization of funds described in the petition as Corporate Social Responsibility funds. Directions have also been sought regarding the operation of industrial plants and compressors in the vicinity of the petitioners' villages. Since the relief claimed raises a preliminary question as to the existence of an enforceable right and the maintainability of the petition against the arrayed respondents, learned counsel was called upon to satisfy the Court on this aspect.

2. In brief, the petitioners claim to be residents of villages situated in Taluka Daharki, District Ghotki, near oil and gas fields, fertilizer concerns, a power-generation plant and other industrial establishments. Petitioner No.1 asserts that a portion of his land was purchased by respondent No.8 and that, at the relevant time, assurances were allegedly given regarding employment and the provision of basic amenities. The petitioners further allege that industrial operations have caused pollution and health hazards; that compressors are being operated near residential houses; that local

residents are being overlooked for employment; and that funds contributed for the welfare of local communities are neither being utilized transparently nor for their benefit.

3. Learned counsel for the petitioners contended that the petitioners are directly affected by the industrial activities in the area and are therefore entitled to preferential consideration for employment and the provision of basic facilities. It was argued that the respondents' failure to provide such facilities, despite deriving commercial benefit from the locality, amounts to discrimination and infringes the petitioners' rights to life and dignity. It was further contended that the Deputy Commissioner is under an obligation to ensure the lawful and transparent utilization of CSR and allied welfare funds, and that the alleged environmental and safety hazards warrant intervention under constitutional jurisdiction.

4. We have considered the submissions made by learned counsel for the petitioners and have examined the material on record. The petitioners primarily seek directions for employment in private companies, provision of civic amenities, utilization of CSR funds and redress of alleged environmental concerns. However, the petitioners have failed to identify any constitutional, statutory, contractual or regulatory provision that creates an enforceable right in their favour corresponding to the relief sought. Mere residence in the vicinity of industrial projects does not, by itself, confer a legally protected right to employment, allocation of development funds or direct provision of utilities by private companies.

5. The claim regarding employment is based on alleged assurances said to have been made at the time of purchase of the land by respondent No. 8. No written undertaking, policy, recruitment scheme, vacancy position or legally binding obligation has been produced to substantiate this assertion. It is well settled that constitutional jurisdiction cannot be invoked to enforce disputed contractual or oral commitments, particularly where determination of disputed questions of fact would require recording of evidence.

6. Likewise, the allegations regarding CSR funds are vague and generalized. The petition neither identifies the nature of the fund, the governing legal instrument, the amount involved, nor any specific statutory obligation allegedly breached by the respondents.

7. As regards the environmental and health-related allegations, no environmental impact assessment, inspection report, technical study, regulatory finding, medical evidence, or report from the competent environmental authority has been placed before the Court. In matters involving alleged environmental hazards, constitutional intervention must rest on a credible factual foundation.

8. The prayers for the provision of gas, electricity, water, healthcare and educational facilities are equally unsupported by any sanctioned scheme, statutory entitlement, refusal order or proceedings before the competent authorities. The necessary authorities responsible for such services have either not been impleaded or no cause of action has been established against them. A writ of mandamus can only be issued where a definite legal duty and a corresponding legal right are shown to exist.

9. In view of the foregoing, the petition fails for lack of an enforceable legal right, insufficient supporting material, the presence of disputed questions of fact, and the failure to establish any corresponding public duty on the part of the respondents. The relief sought is therefore beyond the permissible scope of constitutional jurisdiction under Article 199 of the Constitution. Consequently, this petition is dismissed in limine, along with all pending applications, with no order as to costs.

JUDGE

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