

Order Sheet  
**IN THE HIGH COURT OF SINDH,  
CIRCUIT COURT, HYDERABAD**

CP No. D- 400 of 2016

**BEFORE :**

Mr. Justice Nadeem Akhtar

Mr. Justice Adnan-ul-Karim Memon

Date of hearing  
& decision:

18.12.2019

Petitioner:

Nemo for petitioners

Respondents:

through Mr. Allah Bachayo Soomro, Addl.A.G.

**ORDER**

**ADNAN-UL-KARIM MEMON, J:-** Through this petition, the petitioners seek direction to the respondents not to dismantle watercourse No.192/2 from Mureed Distry West Branch Jamrao Canal while excavating Sim Nala as the said watercourse if the only source of water through which they can irrigate their lands.

Record reflects that after filing of this petition, the petitioner has abandoned his claim and never turned up to pursue the matter.

Deliberate and intentional absence of petitioners and their counsel shows their lack of interest in pursuing this petition which is accordingly dismissed being not maintainable under Article 199 of the Constitution.

JUDGE

JUDGE

Brief facts of the case are that agricultural lands of the petitioners are being irrigated through watercourse No.192/2 Mureed Distry Jamrao Canal, West Branch Sub Division Digri; that the said watercourse was established in British era when Jamrao Canal was excavated and flowed between Deh(s) 192 and 191 of Taluka Digri; that the command area of watercourse No.192/2 is approximately 600 acres and except this watercourse, there is no other source of water to the petitioners to irrigate their lands; that the respondents have started a project in the name of Left Bank Outfall Drain (LBOD) from the left side of Indus River; that the work of LBOD has reached to the lands of the petitioners and the respondents intend to destroy the watercourse of petitioners and katcha path between Deh 192 & 191; that the watercourse is exclusive property of the petitioners as defined in Sindh Irrigation Act; that in case while constructing the Sim Nala, watercourse of the petitioners is dismantled there will be serious loss to the petitioners; that if the Sim Nala is constructed at a distance of 10-15 feet away from its present location, then it will not dismantle the watercourse of the petitioners and the source of irrigation water to the lands of the petitioners would remain safe and shall not cause any future irreparable loss; that for the above purpose the petitioners have approached the respondents but they are not ready to consider the request of the petitioners, hence they have filed the instant petition with above prayer.