

**ORDER SHEET**

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

**C. P. No. D – 1568 of 2013**

Date of hearing	Order with signature of Judge
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**Hearing of case**

For hearing of main case

**07-12-2021**

Mr. Ghulam Shabbeer Shar, Advocate for the Petitioner.  
Mr. Zulfiqar Ali Naich, Assistant Advocate General Sindh along with  
Waqar Ahmed Shahani, Assistant Executive Engineer (Regulation),  
Sukkur Barrage.

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Through this Petition, the Petitioner has sought the following relief(s):

- a) *That this Honourable Court may graciously be pleased to declare that the act of the respondents No:1 to 5 while not releasing the bonafide claim of the petitioner is illegal, unlawful, full of malafide, unconstitutional, contrary to the law and ultra vires.*
- b) *To direct the respondents No:1 to 5 to pay the claim of petitioner along with interest to be calculated from the date of default in payment.*
- c) *To grant any other relief/reliefs, as deems fit and proper in circumstances of the case.*
- d) *To award the costs of the Petition.*

It appears that the Petitioner had also approached the Provincial Ombudsman for redressal of his grievance to the extent that for filling of a breach in Rohri Canal, his land was dug and damaged by the contractor.

The learned Ombudsman has passed the following decision:

*“4. I, therefore, in exercise of powers vested in me under section 11 of the Establishment of the Office of Ombudsman for the Province of Sindh Act, 1991, direct the Chief Engineer Sukkur Barrage and the concerned Executive Engineer to assess and compensate the complainant for the loss he has sustained. Compliance to this effect be made inside 60 days.”*

It appears that thereafter the official Respondents issued a cheque bearing No.0898848 dated 28-05-2012 for an amount of Rs.30,000/-, which was refused by the Petitioner, and as per the comments of Respondents, it was also sent to the Ombudsman's office. Learned Counsel for the Petitioner submits that such compensation was not adequate, hence, this Petition.

We have gone through the record and are of the view that in our Constitutional jurisdiction, we cannot determine the quantum of compensation and if the Petitioner was not satisfied, he ought to have taken recourse to civil remedy and prove through the evidence the quantum of compensation so claimed. In view of such position, the Petition is misconceived and is hereby **dismissed**.

J U D G E

J U D G E

Abdul Basit