

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH, CIRCUIT COURT,**  
**HYDERABAD**

C.P. No.D-1738 of 2022

DATE	ORDER WITH SIGNATURE OF JUDGE
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**Before:**

Mr. Justice Muhammad Shafi Siddiqui.  
Mr. Justice Irshad Ali Shah.

1. For orders on M.A. No.6627/2022.
2. For orders on office objections.
3. For orders on M.A. No.6628/2022.
4. For orders on M.A. No.6629/2022.
5. For hearing of main case.

**17.05.2022**

Mr. Ghulamullah Chang, Advocate for the petitioner.

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1. Urgency is granted.

2to5. The petitioner by way of instant petition has sought for restoration of his privately owned watercourse which as per him has been dismantled by the private respondents. With this, he has also sought for inquiry in respect of F.I.Rs already registered and restraint against the official respondents from registering further F.I.Rs against him without permission of this Court.

If, it is believed that a watercourse was established by the petitioner privately, without lawful sanction then it amounted theft of irrigating water. Be that as it may, the dispute with regard to dismantling and restoration of privately owned watercourse even otherwise involving factual controversy could not be resolved by this Court in exercise of its writ jurisdiction. The investigation being legal course has to follow the registration of F.I.R, same could not be defeated by ordering an inquiry. The registration of F.I.R is a legal course, which has to take place on occurrence of a cognizable offence, therefore, its registration could not be conditioned with the permission of this Court.

In view of above, the instant petition fails and is dismissed in *limine* together with listed applications.

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