

**ORDER SHEET****IN THE HIGH COURT OF SINDH BENCH AT SUKKUR****C. P. No. D – 488 of 2020**

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

- 1.For orders on office objection
- 2.For orders on CMA 2477/2020
- 3.For orders on CMA 2470/2020
- 4.For hearing of main case

**11-10-2022**

None present for the petitioners.

Mr. Faraz Khan, Advocate for applicants/intervenors.

Mr. Sanwan Khan Jagirani, Advocate for SIDA-respondent.

Mr. Shahriyar I. Awan, Assistant A.G a/w Khursheed Ahmed, Executive Engineer, Irrigation, Mirur Mathelo (respondent No.4).

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Pursuant to B.Ws, respondent No.4 effected his appearance and files statement, which being found satisfactory is accepted and the B.Ws issued against him in terms of order dated 01.09.2020 stand vacated.

None present for the petitioners; same was the position on two preceding dates of hearing. Petitioners have maintained this petition seeking restraining order for respondents No.2 to 5 from excavating/digging the "Shah Minor" from its original position and directions to said respondents to submit original record of the said Minor before this Court.

In response, comments have been filed on behalf of respondent No.4, wherein it has been admitted that the petitioners are land holders on channel Shah Minor and hence they are cultivating their lands from the said channel. However, it has been stated that as per SIDA rules, control of channel Shah Minor stands handed over to the Chairman F.O (Former Organization), as such said F.O maintain channel on their own expenses through recovery of Abiana. It has further been stated that Chairman, F.O carried out excavation of channel

on existing full supply depth (FSD) i.e. 5' ft. against sanctioned FSD of 3' feet, therefore, channel cannot attain its full supply level (FSD), as the watercourses being at upper level cannot draw their designed discharged.

Respondent No.4 states that the present position is that due to silting, now the water is flowing at sanctioned FSD of 3' feet, therefore, grievance of the petitioners has automatically been redressed.

Perhaps, due to this reason, none has made appearance on behalf of the petitioners and on the last two dates of hearing as well. Since the grievance of the petitioners stands redressed, instant petition stands **disposed of** along with pending applications.

J U D G E

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Ahmad