

Order Sheet
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD.
C.P. No.D-3213 of 2022

DATE	ORDER WITH SIGNATURE OF JUDGE(s)
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Before:

**Mr. Justice Muhammad Shafi Siddiqui
Mr. Justice Arshad Hussain Khan**

- 1, For orders on office objections.
2. For hearing of main case.

20-09-2023

Mr. Ayatullah Khuwaja, Advocate for petitioners.
Mr. Rafique Ahmed Dahri, A.A.G Sindh.

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Muhammad Shafi Siddiqui, J.- Petitioners, resident of village Sultanabad Tando

Allahyar, through this constitutional petition have sought the following relief(s).

- (A) That this Honourable Court may kindly be pleased to take cognizance that construction of U-TURN at the link road to Sultanabad town and vegetable market is necessity and is right of the people of the locality as well as merchants / growers and other people visiting vegetable market.
- (B) To direct respondents to construct the required proper U-Turn for the entrance of Sultanabad town and vegetable and fruit market.

2. The case of the petitioners is that there is a population of more than 50,000 residents living in Town Committee Sultanabad, Tando Allahyar situated at Hyderabad-Mirpurkhas Dual Carriage Way; besides there is also a vegetable and fruit market namely Sultanabad Sabzi Mandi, where thousands of people / merchants daily visits. Despite being a highly populated town there is no U-Turn constructed at Sultanabad Sabzi Mandi to provide ease to the public. Since there is no U-Turn constructed for the residents of Sultanabad and fruit vegetable market, as such, the residents as well as merchants and people visiting vegetable market are facing hardship. Hence the present petition.

3. Upon notice of the case respondent No.3 has filed comments wherein it has been stated that Khawaja Stop a U-Turn is also available and besides two other U-Turns are also available which are just at 3.6 kilometers away towards Hyderabad side and other one is 03 Kilometers away from Mirpurkhas side. Further stated that there are many commercial shops and housing societies under speedy construction on both sides of dual carriage way and in case petitioners' claim is accepted then every private housing society will claim about U-Turn in front of them which will create dangerous situation for the general public. Further stated that in presence of the U-Turns already available at site, an additional U-Turn at KM 46+950 in front of Sabzi Mandi which is 450 meters away from the present U-Turn at Khawaja Stop as shown in the sketch is unreasonable. Besides, two other U-Turns are available at KM 43+800 just 3.6 Kilometers away from Hyderabad side and if the petitioners' claim for subject U-Turn is accepted then it will meet the fatal accidents on highway where a large number of vehicles are running at high speed.

4. Learned A.A.G while reiterating the parawise comments filed by the respondent submits that the petitioners' claim is unreasonable and unjustified; hence, the petition may be dismissed.

5. We have heard learned Counsel for the petitioner as well as learned A.A.G and with their assistance have perused the material available on record.

6. The location plan / map attached to the comments filed gives an overview picture of site in question. Overall view discloses that there are two U-Turns already available within 06 Kilometers range. Petitioners demanded another U-Turn within this span of 06 Kilometers. The request sounds unjustified even for public interest, if the scope of this petition is stretched. Thus in addition of one Khawaja Stop, two U-Turns at 3.6 KMs and another 3 KMs away from Mirpurkhas side, as explained above. This additional U-Turn would add to disruption.

7. Highways and Motorways and their links have their own limitations, in consideration of which such dual carriage ways are to be completed and every individual's request and/or every housing society's need cannot be catered. In fact at times road crossings and U-Turns are avoided at congested areas to relieve the excess flow (ingress and egress) of traffic. These issues are being handled by Highway authorities professionally. Thus construction of additional U-Turn at KM 46+950 in front of Sabzi Mandi which is only 450 meters away from the nearest U-Turn at Khawaja Stop as disclosed in the sketch, is unjustified and beyond the rules which serves Highways and Motorways operations. Besides above the petitioners have raised disputed questions of fact which cannot be decided without recording evidence and such exercise cannot be gone into writ jurisdiction of this Court.

8. In view of the above, this petition being devoid of merits is dismissed with no order as to costs.

JUDGE

JUDGE

Shahid