

**IN THE HIGH COURT OF SINDH  
CIRCUIT COURT MIRPURKHAS**

Civil Revision Application No.S-86 of 2023  
(*Azam Khan & others Vs. Siddique & others*)

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**DATE      ORDER WITH SIGNATURE OF JUDGE**

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Date of hearing and order 28.08.2024

Mr. Abdul Razzaque Laghari, Advocate for the applicants.  
Mr. Siraj ul Haque Memon, Advocate for the respondents No.1 to 11.  
Mr. Ayaz Ali Rajpar, A.A.G.  
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**ORDER**

*Adnan-ul-Karim Memon, J.*      The applicants being aggrieved by and dissatisfied with the impugned Judgment dated 01.11.2023 passed by Additional District Judge-I Mirpurkhas in Civil Appeal No.109 of 2023 (*Re-Azam Khan & others Vs. Siddique & others*), whereby the learned appellate court maintained the order dated 31.08.2023 passed by learned Senior Civil Judge Digri in FC Suit No. Nil of 2023, filed by the applicants, whereby their plaint was rejected in limine.

2.      At the very outset, the learned counsel submits that the Order passed by the Executive Engineer Mithrao Division Mirpurkhas is required to be implemented in its letter and spirit. The Executive Engineer Irrigation, Mithrao Division Mirpurkhas, present in Court submits that the parties litigated on the subject issue up to the appellate Court, and the applicants lost the case and now at the revisional stage he seeks implementation of the order passed by the Executive Engineer. He further submits that since the civil case has been set at rest, as such the order cannot be implemented until and unless the judgment and decree passed by the subordinate courts are set at naught. However, he agreed in principle to provide a due share of water to the lands of the applicant as per the share list. However, the applicants insist that they are entitled to the share of the water as per the previous water share list.

3.      Learned counsel for the private respondents submits that applicants have failed to produce authentic and verified records of rights of the subject property; as such not entitled to the relief. Beside, their civil case

has been dismissed up to the appellate Court. He prayed for the dismissal of this Revisional Application.

4. The Assistant Executive Engineer that due water share as per share list will be provided to the applicants. The learned counsel has shown satisfaction and seeks disposal of this Revision Application in terms of the statement of Assistant Executive Engineer Naukot, however, he again insists that the applicants shall be provided the share of water to their lands as per the previous share list in terms of Order passed by the Executive Engineer Mithrao Division Mirpurkhas. Be that as it may, the applicants simply sought a declaration to the effect that the suit list in respect of water course No.269/2-AL, silor distry dated 15-04-2023 is of no legal effect and liable to be canceled. They also questioned the legal status of respondent No.1 to 11 to get Irrigation Water through the aforesaid water course.

5. A perusal of the record and consideration of the contention of the parties, explicitly show that the issue involved in the present proceedings is the distribution of water to the lands of parties under the Sindh Irrigation Act. Distribution of water according to its availability in an equitable manner without discrimination to sanctioned channels under the Sindh Irrigation Act is the responsibility of the Irrigation Department, Government of Sindh, who are required to implement the policy of the Government of Sindh as well as Order passed by the Supreme Court and this Court time to time on the subject issue directed the officials of the Irrigation Department to enforce the decisions of the Supreme Court and this Court under the law.

6. Since the parties are at loggerheads on the issue of the share list that needs to be resolved in the terms that the due share of water be supplied to the lands of the parties strictly as per law and share list and not otherwise.

7. This Revision Application stands disposed of in the above terms.

**JUDGE**