

ORDER SHEET**IN THE HIGH COURT OF SINDH BENCH AT SUKKUR****Const. Petition No.D- 1144 of 2022****Const. Petition No.D- 1427 of 2022**

Date of hearing	Order with signature of Judge
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Fresh Case

- 1.For orders on office objections.
- 2.For hearing of CMA 4208/24
- 3.For hearing of main case.

04-09-2024

M/s Alam Sher Bozdar and Farman Ali Rajput, Advocates for petitioners.
 Mr. Sawan Khan Jagirani, Advocate for respondents -SIDA.
 Mr. Ahmed Ali Shahani, Assistant A.G.
 Mr. Dareshani Ali Haider 'Ada', D.A.G a/w Mehboob Ali, Legal Officer
 Pakistan Rangers (Sindh).

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Learned counsel for petitioner in C.P.No.D-1144 of 2022 files statement in compliance of this Court's order dated 15.08.2024, whereby he was directed to identify water lifting machines allegedly illegally operating on Nara Canal, as on the last date of hearing, this Court was informed by officials present that no such illegal machines are operating. The statement is taken on record, which indicates that at least eight individuals/pumps have been identified along with photographs and the electricity bills, assistance of the counsel is appreciated. On the last date of hearing, counsel for respondents-SIDA who stated before this Court that no such illegal pumps are in operation and they were directed to file their on-oath statements in this regard; however, no such statement has been filed giving reasons to believe that the case as narrated by counsel for the petitioners is true statement of facts. Khurram Pervez Rid, XEN, Nara, who made this statement, let show-cause notice be issued to him to be present in person on the next date of hearing.

Counsel for SIDA states that upon further investigation, they have also identified six water machines and illegal SEPCO connections. There is serious apprehension that the illegal machines are operating with

connivance and with knowledge of SIDA authority. The fact is that section 33 of the Canal and Drainage Act, 1873 as well as provisions of Sindh Water Management Ordinance, 2002 provide ample powers to SIDA to control such theft of water. Water being scarce commodity and such illegalities and connivance are taken seriously by this court. Let M.D, SIDA and Director, SIDA be present so that responsibility can be fixed. Law Officer Rangers states that they have not been communicated as to any action being taken, which further fuels apprehension of this Court that there is connivance between SIDA and thieves. In the circumstances, as required above, officials of SIDA be present on the next date of hearing. However, in the meanwhile ensure that full compliance of Canal and Drainage Act, 1873 as well as provisions of Sindh Water Management Ordinance, 2002 is made and no pumps are operative or functional at Nara Canal, both sides.

Matters to come up on **08.10.2024**. Office to place a signed copy of this order in captioned connected matter.

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