

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT
COURT, HYDERABAD.
C.P.No.D-1892 of 2019

DATE	ORDER WITH SIGNATURE OF JUDGE
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02.08.2019.

Mr. Mansoor Ahmed Leghari, Advocate for the petitioner

Mr. Allah Bachayo Soomro, Addl.A.G along with Mukhtiar Ahmed Abro
Superintending Engineer Rohri Canal Circle Hyderabad, Muhammad Shoaib
Executive Engineer Nasir Division Hyderabad, Zulfiqar Ali Lashari Assistant
Executive Engineer Khairpur Ghambo Sub Division Dumbalo.

At the outset learned counsel for the petitioner as well as Superintending Engineer present in Court seek disposal of instant petition in terms of order dated 28.06.2018, passed in C.P.No.D-1661 of 2016 at Sukkur Bench. The *issue* is identical therefore, request for disposal of instant petition in view of referred order is worth accepting. Accordingly, instant petition is disposed of in view of above terms.

2. Needless to mention that *normally*, it is the **police** which is to deal with all the *local* affairs, including acts / omissions, constituting *offences* relating to irrigation (water-supply/distribution); further *local* police should also ensure its presence when an **aid / assistance** is required by official (*department*) so as to avoid law and order situation in correcting things / enforcing commandment of law. Accordingly, S.S.Ps of District Sukkur, Khairpur Miras, Nauhshero Feroz, Nawabshah, Mirpurkhas, Sanghar Matiari, Hyderabad, Tando Allahyar, Badin and Tando Muhammad Khan shall ensure that police escort shall be available with the Magistrates and with the Engineers in respect of removal of illegal lift machines, pipes, modules etc. from the concerned Canals and all branches. Whereas District and Sessions Judges would be competent to entertain complaint against Irrigation as well as police officials with regard to any violation of this order as well as in C.P.D as

mentioned above, in view of order passed in C.P.D. (supra) and pass appropriate orders in accordance with law.

3. It would suffice to say that in **Khadim Hussain and Syed Zafar Ali Shah** cases directions were already passed regarding deployment of rangers as well as in C.P.No.D-649 of 2014, Secretary Irrigation appeared with statement that they will seek help of Rangers deployment for patrolling on Naseer Canal Division, Rohri cana and Kotri barrage to provide drinking and irrigation water to the tail-end khatedars. Rangers, needless to add, are not there to meet **normal** situation but '**aid / assistant**' thereof could only be asked for in *abnormal* situation or in *dire need*. The *situation* of water, *undeniably*, was so *severe* that even the honourable Apex Court took the matter into its *own* hands and even help of **Pak-Rangers** was obtained which, the **Pak-Rangers** did provide on *demand*. The *illegalities / highhandedness* on part of **big-guns**, resulting into serious hurdles thereby attempting to fail *normally* available help of police *least* creating such impression is a known fact. The **tail-enders** have been crying for **drinking water** even, therefore, situation, *no more*, remains **normal** hence creates a room for an aid from **Pak-Rangers** least as **gap-arrangement**.

4. Per the Irrigation Officer, by letters dated 14.05.2019, 02.07.2019 and 01.08.2019 he repeatedly requested the Wing Commander Pakistan Rangers, despite request **Pak-Rangers** is not being deployed and grievance of **tail-enders** becoming worst because of which they are protesting everywhere. The Chief Secretary Sindh shall come into contact with Interior Ministry and shall make ensure that Rangers is deployed within a week's time but after observing all legal and codal formalities. Ranger be deployed at Rohri canal and all canals of Kotri Barrage so as to ensure that tail-end khatedars are receiving water and all *patent* illegalities on such **canal(s)** stand removed. Needless to add such **aid** of **Pak-Rangers** in, no way, shall

be taken as an excuse by Police-Authorities in assuring its help for such purpose.

Office shall communicate this order to all District & Sessions Judges, Chief Secretary Sindh as well as DIGPs concerned for information and compliance.

JUDGE

JUDGE

Ahmed/PA