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ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA
C. P. No.D-354 of 2024

Date of Hearing	ORDER WITH SIGNATURE OF JUDGE
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13.02.2025.

1. For orders on office objection.
2. For hearing of Main Case.

Mr. Muhammad Afzal Jagirani, advocate along with the petitioner.
Mr. Munawar Ali Abbasi, Asst. A.G., along with Ayaz Ali Bhutto, Deputy Director, Fisheries, District Larkana/respondent No.4.

At the very outset, learned AAG files statement of respondent No.3 together with copy of Notification No.SO-II(FISH-ADMN)/L&F/1-27(B.P)/2017, dated 15.3.2017; taken on record; copy whereof provided to learned Counsel for the petitioner, who submits that though the respondent No.8 was awarded contract of the disputed water area; however, his contract stands completed on 30.6.2024, yet he being influential as well as criminal person of the area is still holding its possession and has deprived the petitioner of his licensee right. He, therefore, submits that the petitioner being licensee is not being allowed or given access to get the fishing at the hands of vagabonds allegedly deputed by the respondent No.8. He while arguing has referred to comments of respondent No.5 for self and on behalf of respondents No.2, 6 & 7, particularly the rebuttal of para-9 of the petition and submits that the petitioner may be awarded protection through SHOs PS Airport and Gajidero of District Larkana.

Learned AAG, when confronted with the comments submitted by respondents No.1, 5, 6 & 7, in rebuttal of para No.9 of the petition, recorded no objection.

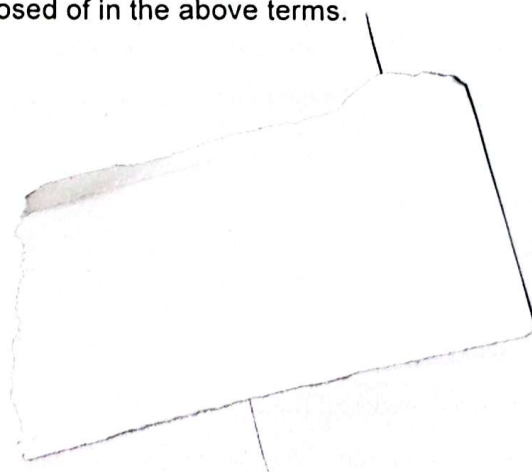


Before parting with the order, it may be appropriate to reproduce rebuttal para-9 of the comments of respondent No.5, which read as under:-

"The respondent No.8 has been awarded one year fishery contract during the year 2023-24 (ending 30-06-2024) in compartment No.6-7 of Gajidero Forest over an area of only 10.0 acres through open auction, at that time petitioner did not attend the auction on due date. The period of above said contract has already been expired on 30.06.2024, at present claimant area is lying vacant for the purpose of one year fishery contract, if the petitioner wants to take the above said area on fishery contract as per rules and policy of the department there is no objection in this regard. Further the rule of issuance license to fisher man does not serve any rule the Forest Department."

As far as claim of respondent No.8 that water area belongs to Forest Department and petitioner has license of Fisheries Department is concerned, the petitioner has to approach the respondents/both departments for validation of his license. Meanwhile, the SHOs of PS Airport and Gajidero are directed to ensure that no untoward incident occurs at the site and no law and order situation is created between the parties, particularly at the hands of respondent No.8. A copy of order be sent through fax to SSP, Larkana today, for compliance.

This petition stands disposed of in the above terms.



Qazi Tahir PAJ*