

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA
C. P. No.D-718 of 2023
(Jamil Ahmed v. P.O Sindh and Others)
C.P.No.D-152 of 2024
(Allah Dino & another v. SSP Kamber & Ors)
C.P.No.D-724 of 2024
(Mst. Salma v. SSP Kamber and others)

DATE OF HEARING	ORDER WITH SIGNATURE OF HON'BLE JUDGE
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BEFORE:

Mr. Justice Muhammad Saleem Jessar.

Mr. Justice Adnan-ul-Karim Memon.

Date of hearing & Order: 13.03.2025

Mr. Naushad Ali Tagar, advocate for the petitioner in C.P.No.D-718/2023 and for intervener in C.P.No.D-724 of 2024.

Mr. Inayatullah G. Morio, advocate for the respondents in C.P.No.D-152/2024.

Rabnawaz Abro, Asstt. Executive Engineer, Miro Khan Sub-division Warrah & DSP Asadullah Bhatti are present.

Mr. Liaquat Ali Shar, Addl. A. G assisted by Mr. Aftab Ahmed Bhutto, Asstt. A. G.

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ORDER

Adnan-ul-Karim Memon, J:- Petitioners have a common cause of action; thus these petitions are disposed of by single order.

2. CP No. D-718 of 2023, the petitioner's counsel states that the Executive Engineer approved the construction of a link road from Qamber to Thoof Choosol Road, Heera Wah, leading to village Pariya. Respondent No. 9 was awarded the contract and began construction, completing a portion of the road. The remaining construction is incomplete, and the project's completion deadline is approaching. In CP No. D-724 of 2024 Petitioner Mst. Salma requests the court to prevent respondents No. 5 to 10 from constructing the road over an irrigation watercourse without following legal procedures and to protect her from harassment. In CP No. D-152 of 2024, the petitioner seeks a court order to restrain respondents No. 1 to 10 from demolishing the irrigation watercourse or building the road over a sanctioned and legal watercourse.

3. Respondents claim that the government has approved the road construction scheme. The project is a public interest facility, benefiting the

community. The scheme is a major project for a link road connecting Qamber Thoof Choosol Road, Heera Wah to the Village Pariya. They claim that no water course will be demolished. Respondent No. 9 asserts that approximately 600 feet of the watercourse were dismantled/demolished. The office sent a letter to the police on August 2, 2023, seeking assistance to restore the watercourse. The petitioner has an alternative water source for cultivation.

4. The respondent-SHO, PS, Miro Khan in CP.No.D-152 of 2024, has submitted a statement that the criminal cases are pending between the parties and the petitioner and her relatives are not allowing the construction of the government road and are interfering/hindering in government work if they start the work and are causing harassment.

5. The Mukhtiarkar, Sijawal Junejo, has requested to provide security to the government contractor who is carrying out the construction of the link road under the provisional ADP Program-2021-2022.

6. So far as respondent Nos 5 and 6 in CP.No.D-718 of 2023, they narrated their ordeal with the submission that at present there is a katcha track available on the site for connecting village Pariya with Pakka road of Thoof Choosol and also the main roads of Larkana or Qamber. However, verification of the record, reveals that there is no report issued regarding the commitment that the work on the road will be completed in a short time. This excuse is unacceptable.

7. This court recognizes the existence of a dispute between the parties. Therefore, this Court cannot make a definitive judgment on the subject issue at this stage. However, this Court emphasizes that the Government of Sindh must address the issue as a priority. If the scheme has been approved, it must be implemented strictly according to its terms ("in letter and spirit"). This court orders that no party should create obstacles or "bottlenecks" to the scheme's implementation. This Court warns that legal action will be taken against those who obstruct the project of the Government of Sindh. The Deputy Inspector General of Police (DIG) Larkana is directed to assist the relevant officers to ensure the project is completed within a reasonable timeframe, in case of failure, appropriate action shall be taken.

8. These petitions stand disposed of in the above terms.

JUDGE

JUDGE

13/3/2025