

**IN HIGH COURT OF SINDH, CIRCUIT COURT,
HYDERABAD**

CP No. D-751 of 2021

PRESENT:

MR. JUSTICE ARBAB ALI HAKRO

MR. JUSTICE RIAZAT ALI SAHAR

Mr. Jehanzeb Leghari advocate for petitioner.

Mr. Muhammad Ismail Bhutto, Additional Advocate
General Sindh.

Date of hearing & decision: 13.03.2025.

ORDER

RIAZAT ALI SAHAR, J: - Through this petition, the petitioner has prayed as under:-

- a. That this Honourable High Court may be pleased to take and hear this matter of Public Health and Safety on urgent basis so that devastation likely to be caused by coming Monsoon season be avoided.*
- b. That Honourable High Court may be pleased to order immediate removal of all construction & obstructions raised/created in bed of Dhora Mael and the passage of free flow of overflow from Khadd to Dhora Mael along Railway track before the coming Monsoon/Flood season.*
- c. That this Honourable High Court may be pleased to order that all Housing Colonies/Projects that are not approved by the Town Planning Department must get regularized and approved after meeting requirement of proper Drainage as per law.*
- d. That this Honourable High Court may be pleased order the Administrative, Municipal, Public Health and other concerned Government Departments to design and provide a working sewerage and drainage system to town of Kazi Ahmed duly extended to include all new Housing Colonies and Projects that have come up in receipt years.*
- e. Any other relief.....*

2. According to the learned counsel for the petitioners, this matter is relating to Public Health and Safety to prevent

potential destruction from the Monsoon season. Petitioners seek an order for the immediate removal of all constructions and obstructions within the bed of Dhora Mael and for ensuring the free flow of overflow from Khadd to Dhora Mael along the Railway track before the Monsoon/Flood season. Learned counsel for the petitioners contends that all Housing Colonies/Projects which are not approved by the Town Planning Department be regularized and approved only after fulfilling the legal drainage requirements. They also urge the Administrative, Municipal, Public Health, and other concerned Government Departments to plan and implement a functional sewerage and drainage system for Kazi Ahmed, ensuring its extension to cover all newly developed Housing Colonies and Projects.

3. On the other hand, the learned Additional Advocate General Sindh contends that the petitioners have an adequate and alternate remedy available and may approach the relevant authorities for redressal of their grievances. He submits that the concerned departments are legally bound to act in accordance with the law.

4. In view of the above, the petitioners are directed to approach the concerned departments by filing appropriate application(s) for redressal of their grievances. Upon such an approach, the competent authorities shall consider and decide the same strictly in accordance with law within a period of thirty (30) days, keeping in view that the petitioners' concerns pertain to public health and safety, affecting every inhabitant of the area.

5. Accordingly, this petition stands disposed of in the above terms.

JUDGE

JUDGE