

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

C.P No.D-195 of 2025
[Mumtaz Ali v. Province of Sindh & Others]

Before:

Mr. Justice Arbab Ali Hakro
Mr. Justice Riazat Ali Sahar

Petitioner : Mumtaz Ali through Mr. Muhammad Imran Choudhary, Advocate.

Respondents: No notice was issued.

Date of Hearing : **12.03.2025**

Date of Decision : **12.03.2025**

JUDGMENT

RIAZAT ALI SAHAR J: -Through this Judgment, we intend to dispose of captioned petition filed by the petitioners with prayers:-

- a. *Direct the respondents to use the best and superior material during the construction of building of Government Primary School Gul Muhammad Siyal.*
- b. *That this Honourable Court issue directions to the Contractor to provide complete details report regarding the using of material.*
- c. *That this Honourable Court call complete report from the respondents regarding tender, work permit and cost of construction.*
- d. *Cost.....*
...
- e. *Any other relief(s).....*

2. In his petition, the petitioner has stated that he resides in Village Gul Muhammad Siyal, Taluka Hussain Bux Mari, District Mirpurkhas. The village is in the name of his grandfather, who had donated land for the establishment of a School named "Government Boys Primary School Haji Ghulam Muhammad Siyal," functioning under SEMIS Code No. 405030210. The respondents-initiated renovation work on the School under the Sindh Early Learning Enhancement through Class Room Transformation (Select) Program, converting it from a Primary School to a Middle School by demolishing the old structure and constructing a new building. The School had undergone renovation in 2020, during which the petitioner claims significant corruption occurred, as sub-standard materials were allegedly used, causing financial loss to the government. One month ago, the government approved the conversion of the Government Primary School Gul Muhammad Siyal into a Middle School and announced a tender for constructing the building in collaboration with the World Bank. As per the tender, the contractor first demolished the old structure and then commenced the construction of the new building as approved by the government. The petitioner alleged that after the tender announcement, the contractor failed to perform proper construction work and used sub-standard materials, leading to a potential risk of collapse and further loss to the government exchequer. The petitioner along with other villagers approached the respondents to report the use of sub-standard materials but they did not receive any response. The petitioner also stated that

he apprehends that due to the poor quality of materials used, the Schoolbuilding may collapse at any time.

3. The learned counsel for the petitioner contends that the petitioner has a direct interest in the matter, as the School was established on land donated by his grandfather for the benefit of the community. He further contends that the petitioner and other villagers have observed and reported sub-standard materials being used in the construction, which poses a significant risk to the safety of the students and the public. He also contends that there is a history of corruption in previous renovation works at the same school in 2020, which strengthens the petitioner's apprehension regarding the quality of the current construction. He further points out that the lack of response from the respondents despite multiple complaints demonstrates gross negligence and failure to ensure the proper execution of the government-funded project. He further contends that the petitioner, acting in public interest, seeks intervention to prevent potential disaster and loss to the government due to the sub-standard construction work.

4. Upon careful consideration of the petition and the material placed on record, it is evident that the petitioner has failed to establish a prima facie case warranting judicial interference in an ongoing public construction project. The allegations regarding the use of substandard construction materials are not supported by any

verifiable documentary evidence. Crucially, the petitioner has neither appended the relevant tender advertisement nor the work order to substantiate the claim that construction is presently underway. Moreover, the petitioner has not demonstrated any professional qualifications or technical expertise in the field of civil engineering or construction. It is a settled principle of law, as reaffirmed by the Honourable Supreme Court in *Land Acquisition Collector, Sargodha and another v. Muhammad Sultan and another (PLD 2014 SC 696)*¹, that under Article 59 of the Qanun-e-Shahadat Order, 1984, a person must establish expert qualifications—either academic or experiential—before their opinion may carry evidentiary value. In the present case, the petitioner has not met that threshold. Mere assertions and apprehensions, unsupported by technical assessments or expert evaluations, do not meet the evidentiary standards necessary to sustain allegations of structural deficiency or misappropriation. Furthermore, the petitioner has not furnished any cogent or confirmable proof of earlier corruption allegedly committed during the 2020 renovation works. In the absence of concrete documentation, the grievance raised is speculative in nature and lacks legal substance. It is also pertinent to observe that public sector infrastructure projects, particularly those backed by international financial institutions such as the World Bank, are typically governed by stringent guidelines, monitoring frameworks, and third-party auditing. Without any breach of such protocols being

¹*Land Acquisition Collector, Sargodha and another v. Muhammad Sultan and another (PLD 2014 SC 696: 5.* " ...The provisions of the Qanun-e-Shahadat Order, 1984 including Article 59 thereof make it clear that the opinion of a witness is only relevant and carries some probative value if he is an expert in the fields specified in the said Article. Furthermore, even for the purpose of giving an opinion, the witness has firstly to establish the expertise vested in him either on account of academic qualification or experience or otherwise. Without such foundation, an opinion cannot by itself, be taken as having evidentiary value for proving a fact in issue."

demonstrated, the petitioner's concerns appear premature and ill-founded.

5. For what has been discussed above, keeping in view the deficiencies as well as considering the lack of substantive proof, credibility and merit, the petition stands **dismissed** in *limine* along with pending application(s).

JUDGE

JUDGE

Shahid