

ORDER SHEET
IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Const. Pett. No.D-724 of 2025
Const. Pett. No.D-279 of 2023

DATE OF HEARING	ORDER WITH SIGNATURE OF JUDGE
-----------------	-------------------------------

Hearing of case

1. *For orders on office objections at flag 'A'*
2. *For hearing of main case*

18.09.2025

M/s Sohail Ahmed Khoso and Syed Zafar Ali Shah, Advocate for petitioner
Mr. Humayoon Shaikh, Advocate for respondent No.5
Syed Naveed Ahmed Shah, Deputy Attorney General
Mr. Ali Raza Balouch, Additional Advocate General Sindh along with
Fayaz Ahmed Mangi, Secretary District Regional Transport Authority
Sukkur, M. Younis Balouch, SSP Traffic Police Sukkur, Jehangir
Larik, Director NHA Sukkur, Azhar Khan Mughal, SSP Sukkur and
Insp. Muhammad Moosa Traffic Sergeant, District Sukkur

M/s Mehfooz Ahmed Awan and Muhammad Ali Napar have filed applications under Order I Rule 10 CPC read with Section 151 CPC; same are taken on record. Office is directed to assign numbers to the said applications and issue notice to the petitioner and respondents.

Counsel for respondent No.5 has submitted a progress report in compliance with earlier order dated 04.09.2025 along with certain letters/documents, which are taken on record. Compliance report submitted by the Deputy Commissioner Sukkur is also taken on record. It is stated therein that, with regard to the provision of land for construction of a service road from City Point Bypass leading up to Sukkur Children Hospital, an exercise for demarcation of a piece of land, as per NHA letter dated 16.09.2025, has been undertaken; however, the demarcation report from the Survey Superintendent Khairpur is still awaited.

Compliance report submitted by the Senior Superintendent of Police (Traffic), Sukkur, is taken on record. Once again, it is stated that there is no inherent power or jurisdiction to him over traffic issues. Accordingly, we deem it appropriate to direct the Inspector General of Police to place on record the functions and duties of the SSP Traffic (Sukkur) before this Court on the next date of hearing. Compliance report submitted by the Secretary, District Regional Transport Authority Sukkur, is taken on record. It reflects that, with the cooperation of the Assistant Commissioner Sukkur, 17 vehicles were challaned and a fine of Rs.27,000/- was imposed on the violators. Furthermore, the offices of Geo Farhan Coach, Umair Movers, KCS Coach Service, Waheed Movers,

Geo Sahib Coach, Lal Qander Doom Service, Khan Movers, and Fareed Jan Coach, allegedly operating at the site, were sealed. The compliance report submitted by the SSP Sukkur is also taken on record, wherein it is stated that, in pursuance of earlier orders, DSP/SDPO Site Area Sukkur and the Traffic Sergeant Site Area Zone (City Point Sukkur) have vacated all passenger coaches and public wagons completely. It is further stated that announcements were made through loudspeakers informing the public that panaflex banners, parking, and pick-and-drop of passengers by coaches and wagons are banned.

The construction of a proper U-turn at the subject location is imperative for regulating the smooth flow of traffic and preventing the recurring accidents being reported. Road safety and protection of human life fall squarely within the ambit of *fundamental rights* guaranteed by the Constitution of the Islamic Republic of Pakistan, 1973. Article 9 guarantees that "*No person shall be deprived of life or liberty save in accordance with law.*" The Hon'ble Supreme Court has repeatedly held that the term "*life*" includes not merely physical existence but also the right to live with dignity, security, and safety (*Shehla Zia v. WAPDA*, PLD 1994 SC 693). Failure of public authorities to provide safe roads and regulate traffic constitutes a violation of this fundamental right.

Article 14 ensures the *inviolability of human dignity*, which is compromised when citizens are exposed to unnecessary risk, chaos, and unsafe public infrastructure. The State is, therefore, duty-bound to adopt preventive measures for public safety. Article 25 of the Constitution mandates *equality before law* and equal protection of citizens. In *Benazir Bhutto v. Federation of Pakistan* (PLD 1988 SC 416), the Supreme Court held that the State cannot deny equal treatment in enforcement of rights and access to public facilities. Ensuring that all citizens enjoy equal safety on national highways and urban routes is part of that obligation.

In *Government of Sindh v. Khalil Ahmed* (PLD 1993 SC 341), the Hon'ble Supreme Court held that land may be acquired for any purpose which serves public interest and welfare. Similarly, in *Emanullah Khan v. Government of Khyber Pakhtunkhwa* (1996 SCMR 910), the Court emphasized the State's duty to provide public facilities that ensure safety and convenience of citizens.

In *Human Rights Case No.14392 of 2016* (Traffic Accidents on National Highways), the apex Court stressed upon the responsibility of

NHA and law enforcement agencies to manage highways in a manner that minimizes accidents. Likewise, in *Suo Motu Case No. 13 of 2009* (PLD 2011 SC 619), the Court declared that public functionaries are trustees of public resources and must act diligently to safeguard lives. In *Pakistan Railways v. Shah Jehan Khan* (2016 SCMR 1572), negligence in ensuring transport safety was declared a breach of Article 9.

In light of the above jurisprudence, we are left with no manner of doubt that the construction of a proper U-turn at the subject location is both a constitutional necessity and a statutory obligation of the NHA and the district administration. Accordingly, we direct the National Highway Authority (NHA) to take immediate steps for the construction of a U-turn at the said point strictly in accordance with law. The Deputy Commissioner concerned shall conduct a survey and demarcate the land required for the proposed U-turn, including identifying any portion of private land. In case private land is required, acquisition proceedings shall be initiated and completed under the Land Acquisition Act, 1894, ensuring fair compensation and due process.

The Deputy Commissioner shall ensure that such demarcation and identification exercise is carried out transparently and a comprehensive report is placed before this Court within four (04) weeks. The Senior Superintendent of Police (Traffic) so also SSP District Police district Sukkur are directed to make proper arrangements for traffic management at the site during the interim period to avoid congestion and accidents until completion of the U-turn.

Compliance report is to be filed on or before the next date of hearing.

To come on **20-10-2025**

Office is directed to place the signed copy of this order in captioned connected matter.

JUDGE

JUDGE

M.Ali*