

HIGH COURT OF SINDH CIRCUIT COURT, MIRPURKHAS

C.P No.D-168 of 2024

[Ghulam Rasool vs. Executive Engineer Jamrao Division & others]

BEFORE:

JUSTICE ADNAN-UL-KARIM MEMON

JUSTICE RIAZAT ALI SAHAR

For hearing of M.A. No.2444/2025

Petitioner is present in person

Mr. Muhammad Sharif Solangi, Assistant A.G. Sindh a/w XEN
Jamrao Division (**Maaz Saleem**)

Date of hearing & decision: 12.11.2025

ADNAN-UL-KARIM MEMON J.- This petition was disposed of
vide order dated 30.3.2016 in the following terms :

“Vedvyas H. Kella, AXEN Digri, who is present alongwith his original CNIC No 44101-015409-7, confirms that machines have been installed illegally by the Khatedars for the suction of water into their lands. He states that he is willing to remove all such illegally installed machines if adequate police aid and protection are provided to him. In view of his statement and with the consent of the learned counsel for the parties and the learned AAG, he is directed to remove all the illegally installed machines for the suction of water within ten (10) days, and the SSP as well as the SHO concerned shall provide police aid and protection to him for complying with this order. Let a copy of this order be provided to the learned A.A.G. for compliance.

By consent, the petition stands disposed of in the above terms along with the listed application.”

2. In compliance with this Court’s previous directions, the officer visited the site on 07.11.2025 at 8:30 PM, as the petitioner’s waro (turn of water) was to commence at 8:50 PM. Notices had duly been served to both parties (Annexure-A). At the time of inspection, the petitioner was initially absent, while other khatedars and private respondent No.4 were present. The petitioner’s naka was opened at 8:50 PM, and water was observed reaching his pond (Annexure-B). However, his lifter machine was non-functional as no motor or belts were attached (Annexure-C). The petitioner later arrived and was shown that water was available during his turn, but he could not utilize it due to his non-functional lifter. The officer remained on-site until 9:20 PM, ensuring the full 30-minute turn was completed. The next khatedar’s turn then commenced as per the share list (Annexure-D).

Inspection of respondent No.4's lifter confirmed it was located downstream and was non-operational during the petitioner's turn. Hence, the officer found the claim of the petitioner against that respondent No.4 obstructed the petitioner's water was obstructed is unfounded. The share list (Annexure-E) also confirms the petitioner's turn precedes respondent No.4's. He therefore submitted that water was available to the petitioner as per the schedule and his inability to utilize it was solely due to his non-functional lifter machine.

3. In view of the above inspection report, it appears that the petitioner's share of irrigation water is duly available during his scheduled *waro* / turn in accordance with the sanctioned share list. The concerned irrigation staff shall continue ensuring that the petitioner's water reaches his pond without obstruction from any khatedar or respondent. The petitioner is directed to promptly repair or replace his lifter motor and related equipment to ensure proper lifting of water to his lands. Compliance shall be monitored by the Assistant Executive Engineer, Digri, and any obstruction or violation shall be immediately reported to the competent authority and the Court. Accordingly, it is ensured that the petitioner will receive his due share of water in terms of the Court's order, subject to the functional restoration of his own lifting mechanism as per his entitlement under the law, without obstruction.

4. The listed application stands disposed of in the above terms.

JUDGE

JUDGE