

HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

C.P No.D-430 of 2026

[*Shafqat Hussain Chandio v. Province of Sindh and 08 others*]

Before:

Justice Arbab Ali Hakro

Justice Riazat Ali Sahar

Petitioner by : Mr.Muhammad Asif Shaikh, Advocate

Respondents by : Nemo

Dates of Hearing : **03.3.2026**

Date of Decision : **03.3.2026**

ORDER

ARBAB ALI HAKRO J:- The petitioner has invoked the constitutional jurisdiction of this Court under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, seeking intervention against the proposed construction of a Ring Bund at Goth Nawan pursuant to NIT No. INF/KRY/902/2025 (Project ID P179981). The petitioner claims to be a practising Advocate and asserts that the petition is filed in public interest to safeguard the lives, properties and agricultural lands of residents of various areas of District Jamshoro and adjoining regions.

2. The petition proceeds on the premise that the respondents intend to construct a Ring Bund at Goth Nawan without conducting an Environmental Impact Assessment (EIA), hydrological feasibility study or public consultation. The petitioner alleges that such construction may alter flood flow patterns, increase hydraulic pressure on the existing Protective Bund and expose surrounding populations to potential flooding. The petitioner has also annexed a representation addressed to SEPA dated 20.02.2026, wherein he sought information regarding environmental approval. The representation states: It is not

known whether any EIA has been conducted, environmental approval has been granted by SEPA, or public consultation has been held.

3. Learned counsel submits that the petitioner has approached this Court in public interest and has no personal or pecuniary motive. It is argued that the impugned project is being undertaken in violation of the Sindh Environmental Protection Act, 2014 and that the absence of an EIA or hydrological assessment renders the project unlawful. Counsel contends that the right to life under Article 9 includes the right to a clean and safe environment and, therefore, judicial intervention is warranted.

4. We have heard learned counsel for the petitioner and examined the petition along with annexures. The petitioner is admittedly a resident of District Nausheroferoze and not of the area where the alleged project is being executed. The petition does not disclose any direct, immediate or personal injury to the petitioner, nor does it demonstrate any special connection with the affected locality. The petition is styled as a public interest litigation, but the foundational requirements for invoking such jurisdiction must still be satisfied.

5. The Superior Courts have repeatedly held that while public interest litigation is an important tool for advancing constitutional rights, it cannot be permitted to become an avenue for individuals lacking nexus with the subject matter to invoke the Court's jurisdiction without demonstrating bona fide standing.

6. In the present case, the petitioner is neither a resident of the affected area nor a landowner, agriculturist or stakeholder whose rights are directly impacted. The petition itself states that the petitioner resides in District Nausheroferoze, whereas the alleged project is

located in Goth Nawan, District Jamshoro. No material has been placed on record to show that the petitioner represents any affected community, nor has any authorisation been obtained from the residents of the locality. The mere fact that the petitioner is an Advocate does not, by itself, confer locus standi to challenge administrative or developmental decisions in areas where he has no personal or representative connection.

7. Public interest litigation cannot be invoked in abstract or hypothetical terms. The petitioner's assertions regarding potential environmental harm, though framed in general terms, do not establish any direct infringement of his own fundamental rights. The constitutional jurisdiction under Article 199 is discretionary and cannot be exercised where the petitioner lacks standing.

8. Even otherwise, the petitioner has already approached SEPA through a representation and the competent authority is legally obligated to examine environmental compliance. Without first exhausting the statutory mechanism or demonstrating that SEPA has refused to act, the petitioner cannot bypass the statutory framework and directly invoke constitutional jurisdiction. In these circumstances, the petition is not maintainable for want of locus standi.

9. For the reasons discussed above, this petition is **dismissed** in *limine* along with pending miscellaneous application (s).

JUDGE

JUDGE