

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI

Constitutional Petition No. D-4293 of 2026
(Khalid Mehmood versus Province of Sindh & others)

Date	Order with signature of Judge
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Before:-
Mr. Justice Adnan-ul-Karim Memon
Mr. Justice Adnan Iqbal Chaudhry

Date of hearing and order: 13.7.2026

Mr. Usman Farooq, Advocate for the petitioner

ORDER

Adnan-ul-Karim Memon, J. Petitioner Khalid Mehmood has filed this Constitutional Petition under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, with the following prayer: -

- a) Declare that the Respondents' failure, particularly Respondent Nos.1, 2, and 3, to utilize road cutting/reinstatement charges collected from SSGC for rehabilitating roads in UC-3 and adjoining areas of Shah Faisal Town is unlawful, violative of the Sindh Local Government Act, 2013, a breach of public trust and fiduciary duty, and an infringement of the fundamental rights guaranteed under Articles 4, 9, 14, 23, 24, and 38 of the Constitution.*
- b) Issue a writ in the nature of mandamus: Directing Respondent Nos.1, 2 and 3, the entire amount of road cutting charges received from SSGC for the exclusive, specific, and expeditious purpose of carrying out comprehensive repair, restoration, and rehabilitation of all roads, streets, and footpaths damaged due to the gas pipeline laying work of SSGC in the affected localities of Shah Faisal Town;*
- c) Direct Respondent No.3 (TMC Shah Faisal) to immediately commence, execute, and complete the aforementioned road rehabilitation work, utilizing the said funds, within a strict and expedited time-bound framework to be fixed by this Honourable Court, and to proceed under the direct supervision and monitoring of Respondent No.2 to ensure compliance;*

- 2. At the outset, we asked about the maintainability of the petition.
- 3. Learned counsel for the petitioners submits that the instant petition is maintainable under Article 199 of the Constitution as the matter involves enforcement of statutory obligations by public authorities and protection of fundamental rights of citizens. He submits that the petitioners, being residents of Shah Faisal Town, have approached this Court due to the failure of the concerned authorities to perform their legal duty of maintaining and restoring public roads damaged during gas pipeline works carried out by Respondent No.4 (SSGC). Learned counsel contends that Respondent No.3/TMC Shah Faisal, under the Sindh Local Government Act, 2013, is legally responsible for construction, repair, and maintenance of roads within its jurisdiction, whereas substantial amounts were collected from SSGC as road cutting and reinstatement charges specifically for restoration of the damaged roads. He added that despite receipt of

such funds, the affected roads have not been rehabilitated, causing serious inconvenience and endangering the safety and dignity of the general public. It is further submitted that the matter was brought before the relevant authorities, including the Commissioner Karachi and the Local Government Department, which acknowledged the grievance and directed Respondent No.3 to utilize the collected funds for rehabilitation of roads; however, no effective action has been taken. Learned counsel argues that the continued inaction of the respondents amounts to failure in discharge of statutory duties and raises questions regarding proper utilization of public funds and protection of constitutional rights guaranteed under Articles 4, 9 and 14 of the Constitution. Learned counsel therefore submits that since the petition seeks enforcement of public duties by statutory authorities and involves a matter of public importance where no adequate alternate remedy is available, the constitutional jurisdiction of this Court under Article 199 is rightly invoked and the petition is maintainable.

4. Upon consideration of the submissions of learned counsel about the maintainability of the petition and the nature of the grievance raised, we are of the view that the instant petition, at this stage, is not maintainable under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973., for the reason that while exercising jurisdiction under Article 199 of the Constitution, this Court shall not substitute itself for the executive authorities in matters involving policy decisions or technical execution of development works; rather, the respondents can be directed to act strictly in accordance with law and perform their statutory obligations in a transparent and accountable manner.

5. Accordingly, the objection regarding maintainability as raised by the office at Serial No.1 is sustained, and the petition is held to be not maintainable under Article 199 of the Constitution. However, the concerned authorities are expected to discharge their statutory obligations in accordance with law, ensuring transparency and accountability in the execution of public works.

6. This petition stands disposed of in the above terms.

JUDGE

JUDGE