

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

C.P. No.D-576 of 2026

[Sawan Khan & another v. Province of Sindh & others]

Before:

Mr. Justice Adnan Iqbal Chaudhry

Mr. Justice Riazat Ali Sahar

1. For order on MA No.3630/2026.
2. For order on office objection.
3. For order on MA No.2331/2026.
4. For hearing of main case.

Petitioner : Sawan Khan and another through
Mr. Wajid Ali Khaskheli, Advocate.

Respondents : Nil.

Date of Hearing : 13.05.2026

Date of Decision : 13.05.2026

ORDER

RIAZAT ALI SAHAR. J. - Through this order, we intend to dispose of the instant petition filed under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973, whereby the petitioners have sought various directions against the respondents with regard to alleged corruption, mismanagement, non-provision of civic amenities, unsafe drinking water, sanitation issues, misuse of municipal funds, irregularities in budgetary affairs and alleged administrative negligence in Municipal Committee, Johi, District Dadu.

2. The case of the petitioners is that petitioner No.1 is an elected Councilor of Municipal Committee Johi, whereas petitioner No.2 is a resident of Johi City and had contested local government election from Ward No.02. According to the petitioners, despite allocation of budget and grants to Municipal Committee Johi, no proper developmental works have been carried out and the residents of Johi City are facing severe hardships due to poor sanitation, contaminated drinking water, broken drainage lines, non-functional water supply schemes and alleged corruption in municipal administration. The petitioners have further alleged misuse of

development funds, issuance of bogus bills, political victimization and absenteeism of sanitation staff and failure of respondents to convene council meetings in accordance with law. Through the instant petition, the petitioners have sought multiple directions for restoration of municipal services, inquiry into alleged corruption and calling of municipal record and budgetary documents.

3. Learned counsel for the petitioners contended that the respondents have failed to discharge their statutory obligations under the Sindh Local Government Act, 2013 and due to their negligence and maladministration, the inhabitants of Johi City are being deprived of basic civic amenities including safe drinking water, sanitation and municipal services. He further contended that the acts and omissions of respondents violate Articles 9, 14 and 25 of the Constitution of Islamic Republic of Pakistan, 1973. Learned counsel contended that despite repeated applications and representations made by petitioner No.1, no remedial action has been taken by the concerned authorities, compelling the petitioners to invoke constitutional jurisdiction of this Court.

4. We have heard learned counsel for the petitioners and have carefully gone through the material available on record.

5. At the very outset, learned counsel for the petitioners was confronted with the query regarding maintainability of the instant petition under Article 199 of the Constitution, particularly when the grievances raised in the petition pertain to administrative functioning, municipal management, financial affairs, development schemes, alleged corruption, utilization of funds and internal affairs of Municipal Committee Johi, for which statutory remedies and departmental forums are available under the relevant laws; however, the learned counsel failed to furnish satisfactorily response.

6. From perusal of the memo of petition, it appears that the petitioners have raised numerous disputed questions of fact relating to alleged corruption, misuse of funds, bogus bills, absenteeism of employees, non-utilization of grants, irregularities in budget approval and political victimization. The determination of such allegations necessarily requires factual inquiry, examination of

record, financial scrutiny, audit and investigation by the competent authorities constituted under the Sindh Local Government Act, 2013 and other relevant laws. Such disputed factual controversies cannot conveniently be adjudicated in constitutional jurisdiction on the basis of affidavits.

7. We have further observed that most of the reliefs sought by the petitioners essentially require this Court to supervise municipal administration, direct allocation and utilization of public funds, oversee sanitation arrangements, monitor water supply schemes and conduct inquiries into alleged financial irregularities. These matters squarely fall within the domain of executive and statutory authorities. Constitutional jurisdiction under Article 199 of the Constitution is primarily meant for enforcement of legal and constitutional rights where no adequate alternate remedy exists and is not intended to substitute departmental and statutory mechanisms already provided under law.

8. **It is also pertinent to observe that petitioner No.1 himself is an elected Councilor of Municipal Committee Johi and forms part of the local government framework established under the Sindh Local Government Act, 2013. The grievances relating to municipal affairs, budgetary allocations, convening of council meetings and civic administration are matters which can appropriately be agitated before the competent departmental authorities and forums prescribed under the law.** Likewise, allegations pertaining to corruption, misuse of public funds and bogus development works fall within the jurisdiction of the competent inquiry, audit and anti-corruption authorities. No specific illegal act or infringement of fundamental rights directly attributable to the respondents has been demonstrated before us so as to warrant interference in constitutional jurisdiction. Mere allegations of maladministration, negligence or dissatisfaction with municipal functioning do not by themselves confer a cause for issuance of constitutional writs, particularly where statutory remedies are available and disputed questions of fact are involved.

9. It is settled law that constitutional jurisdiction is discretionary in nature and ordinarily this Court refrains from interfering in matters involving administrative management,

financial affairs, policy implementation and factual controversies requiring inquiry and evidence. The petitioners have adequate and efficacious remedy before the concerned authorities, including the Local Government Department, Deputy Commissioner, Municipal authorities and other competent forums established under law, where they may expose their grievances in accordance with law.

10. For what has been discussed above, we are of the considered view that the instant petition is not maintainable under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973, as the controversy relates to internal administrative, municipal and financial affairs involving disputed questions of fact, for which alternate statutory remedies are available. Consequently, this petition is **dismissed** being not maintainable. However, the petitioners shall be at liberty to approach the concerned department/competent authority for redressal of their grievances in accordance with law. No order as to costs.

JUDGE

JUDGE