

ORDER SHEET

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA

C. P. No.D-311 of 2026

DATE OF HEARING	ORDER WITH SIGNATURE OF HON'BLE JUDGE
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1. For orders on office objection.
2. For hearing of main case.

15.09.2026

Mr. Ashique Hussain Kalhoro, advocate a/w petitioner.

Mr. Saeed Akbar Siyal, Asstt. A. G a/w Zulfiqar Ali Shaikh,
Superintending Engineer, Education Works Larkana on
behalf of respondent No.6, Ali Sher Bajkani, Asstt. Engineer
on behalf of XEN Education Works Division Kashmore &
Syed Abdul Ghaffar, DEO (Primary, Kandhkot,

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RIAZAT ALI SAHAR, J.- Through instant petition, the petitioner has
prayed for the following relief(s) :

- a) *to direct the respondents to immediately start the construction/reconstruction work of Govt. Boys Primary School, Jeeand Ogahi and to ensure that the said school is made functional/operative by making posting of teacher(s) in the said school;*
- b) *to direct the respondents to initiate efforts/steps for early completion of construction work of the building of Govt. Boys Primary School in the village of the petitioner on war basis;*
- c)
- d)

On 04.05.2026, notices were ordered to be issued against the respondents. The respondents No.4 & 7 have filed their para-wise

comments. The respondent No.4, Deputy Commissioner, Kashmore @ Kandhkot, in his para-wise comments has submitted in the following terms :

"....that the Executive Engineer Works Division Kashmore @ Kandhkot, stated that, the work of the construction of the school GBPS Jeand Ogahi could not be started because there is issue of availability of land for the construction of school, it is necessary to furnish affidavit for donation of land, along with copy of Form-VII to avoid any legal constraints in future. He has further stated that he has visited the said site on 20.05.2026. The applicant Naseer Ahmed Ogahi was present in person. This office verbally requested the applicant to furnish the legal requirements for the construction of the school, viz: (1) Affidavit of plot possession with clear demarcation of the land to be donated for the construction of the school. The affidavit must be duly signed attested by the District Education Officer (DEO) & the Mukhtiarkar concerned (2) Copy of Form-VII showing the name of person who donated the land duly attested by the Mukhtiarkar concerned."

On 12.08.2026, this Court appointed Mr. Rajib Ali Shar, Additional Registrar of this Court as Commissioner to visit the site in question, inspect the premises, record the statements of some respectable/local villagers and verify the factual position with regard to the matter raised in the petition.

On 25.08.2026, the Commissioner of this Court has submitted his report and operative para of report is reproduced as below :

"It is concluded that the schools is in working condition in a single room constructed on the private land of two ladies. The petitioner party is trying to get constructed school on the private land owned by the ladies namely Mst. Wahid Dini and Mst Habib Khatoon which is not permissible under the law as informed by the Education Works Department. The record and the photographs of the disputed area are attached herewith for kind perusal."

Perusal of contents of petition, para-wise comments filed by the respondents and the Commissioner's report show that disputed facts are involved in the matter and such issue cannot be resolved in writ jurisdiction of this Court. Therefore instant petition being misconceived and devoid of merits is hereby dismissed.

Judge

Judge

M. Yousuf Panhwar/**