THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Crl. Misc. Application No.S-76 of 2025

For orders on M.A. No.6556 of 2026

16.11.2026

Mr. Asadullah Soomro, Advocate for the Applicant.
Mr. Imran Mobeen, Assistant P.G.

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Through this application, Barkat Ali, respondent No.8 in the main proceedings, seeks initiation of contempt proceedings against the alleged contemnors, namely, Muhammad Bachal Kanhar, Executive Engineer Irrigation, East Division, Khairpur; Qamar Abbas Soomro, Assistant Executive Engineer/SD, Irrigation Sub-Division, Mirwah; Abdul Ali Mangrio, Canals Assistant Irrigation, East Division, Khairpur; Javed Laghari, Incharge Canal Assistant, Irrigation Sub-Division, Mirwah; and Munawar Hussain son of Mustaq Ali Laghari, for alleged disobedience of the orders dated 27.02.2025 and 20.11.2025 passed by this Court.

2. The main Criminal Miscellaneous Application was disposed of vide order dated 27.02.2025 upon the statement of the irrigation officials that the actual Government-sanctioned Kassi would be restored and the private Kassi stopped to resolve the grievance of the applicant therein, Munawar Hussain. Subsequently, vide order dated 20.11.2025, this Court directed the SSP, Khairpur, to provide police assistance to facilitate restoration of the actual Government-sanctioned Kassi. The said order also recorded the statement of learned counsel for the private respondents that they had never obstructed the irrigation officials from restoring water through the Government-sanctioned Kassi. Alleging that the irrigation officials, at the instance of Munawar Hussain, acted contrary to the aforesaid orders, Barkat Ali has filed the instant application seeking initiation of contempt proceedings against the alleged contemnors.

3. On 13.11.2026, this Court required learned counsel for the applicant to assist the Court on the question of maintainability of the instant application. The question arising from the application is whether the acts complained of disclose wilful disobedience of the directions issued by this Court or involve a

dispute concerning the alignment of the watercourse and the applicant's rights over the affected property requiring independent determination.

4. Learned counsel for the applicant did not address the question of maintainability of the instant application but maintained that the alleged contemnors had failed to comply with the order dated 20.11.2025. He submits that, instead of restoring the Government-sanctioned Kassi through Survey Nos.232/1, 232/2, 232/3 and 232/4, the irrigation officials, at the instance of Munawar Hussain, excavated an unauthorized channel through Survey Nos.228/1, 228/4, 229 and 303 on the western side of the road to supply water to Survey No.307; that the applicant owns one acre in Survey No.232/3, where his house stands over an area of fifteen ghuntas, and that his shop, shed and lanhi situated within its boundary were demolished through machinery on 19.12.2025; and that these acts were contrary to the orders dated 27.02.2025 and 20.11.2025, which required restoration of the actual Government-sanctioned Kassi. He, therefore, seeks initiation of contempt proceedings against them.

5. Heard. Record perused.

6. The orders dated 27.02.2025 and 20.11.2025 required restoration of the actual Government-sanctioned Kassi. Neither order determined its precise alignment through particular survey numbers, nor adjudicated the applicant's title, the boundaries of his property or the status of the structures allegedly demolished. The applicant's contention that the channel excavated by the irrigation officials differs from the sanctioned watercourse therefore requires examination of the relevant irrigation and revenue record, identification of the sanctioned alignment on the spot and determination of the location of the alleged demolition. Those matters were not decided in the main proceedings.

7. The direction to restore the actual Government-sanctioned Kassi required the irrigation officials to act in accordance with its sanctioned alignment. It did not authorize excavation of an unauthorized channel or demolition of private property contrary to law. However, the applicant's allegation that such acts were committed does not, by itself, establish wilful disobedience of the Court's order. The material relied upon does not sufficiently establish that the channel excavated by the irrigation officials

deviated from the sanctioned alignment in deliberate disregard of the directions issued by this Court. The competing assertions regarding the course of the Kassi and the location of the applicant's property require examination of the relevant record and demarcation on the spot. Contempt proceedings cannot substitute for substantive proceedings for adjudication of the disputed property rights involved.

8. The compliance report concerning restoration on 04.12.2025 and the statement of satisfaction attributed to Munawar Hussain do not, by themselves, answer Barkat Ali's allegation concerning demolition on 19.12.2025. Nevertheless, the allegation of demolition, without sufficient material connecting it to willful disobedience of the directions issued by this Court, does not furnish a basis for initiation of contempt proceedings. The legality of the excavation and the alleged demolition, and any relief arising therefrom, remain open to determination by the competent forum in accordance with law.

9. In view of the above facts and circumstances, the applicant has not made out a case for initiation of contempt proceedings. Consequently, M.A. No.6556 of 2026 is dismissed.

J U D G E

Ahmad