HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

C.P. No.D-50 of 2017
[Ali Ahmed Khan Lund vs. Province of Sindh and others]

Before:
JUSTICE ADNAN-UL-KARIM MEMON
JUSTICE MUHAMMAD JAFFER RAZA

Petitioner:	Through Mrs. Razia Ali Zaman Khan, Advocate
Respondents:	Through Mr. Rafique Ahmed Dahri, Additional A.G Sindh
Intervener:	None present
Date of hearing	02.11.2026
Date of Decision	02.11.2026

O R D E R

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ADNAN-UL-KARIM MEMON J The petitioners being residents of Village Manu Khan Lund, Taluka Jhando Mari, District Tando Allahyar, have filed the instant Constitutional Petition challenging the alleged illegal construction of a siphon/bridge on Tando Adam–Tando Allahyar Road in Deh Weserki, apprehending that it would divert drainage water towards their village.

2. Learned counsel for the petitioners submits that the petitioners have their agricultural lands in Deh Weserki and that respondent No.4 has commenced construction of a siphon/bridge without obtaining lawful approval or fulfilling the requisite legal formalities; that the proposed construction is intended to drain water from the village of respondent No.4 towards the petitioners' village, which may cause flooding, destruction of agricultural lands, graveyard, shrine and other properties; that despite repeated protests and complaints to the concerned authorities, no action has been taken to stop the construction. The petitioners, therefore, seek a declaration that the proposed construction is illegal and a permanent restraint be issued against the respondents from proceeding with the same.

3. The applicant/intervenor, moved an application to become a party and submitted that he is permanent resident of the area, has filed the instant application seeking impleadment in the main Constitutional Petition, asserting a direct interest in the preservation of natural drainage system known as Siphon Dhoro, which passes through several villages, including Village Bahar Khan Mirjat, and ultimately drains floodwater towards the sea. The applicant submits that during

construction of dual carriageway on Tando Adam–Tando Allahyar Road, the executing authorities have obstructed the natural flow of Siphon Dhoro near the bus stop of Village Bahar Khan Mirjat by failing to construct the requisite bridge/ culvert. It is contended that the bridge/culvert forms part of the approved PC-I, design and financial allocations of the project, yet its omission has created a serious risk of flooding, potentially endangering nearby villages, human lives, livestock, agricultural land and property. The applicant further submits that the proposed intervention is not intended to obstruct the road project but to ensure its execution without disturbing the existing natural watercourse. Accordingly, the applicant seeks impleadment in the main petition and directions to the Works & Services Department, Irrigation Department and PDMA to construct an adequate bridge/ culvert at the siphon crossing, in accordance with the approved drainage plans, and remove any existing debris or construction-related obstruction to restore the natural flow of water.

4. In view of the divergent assertions raised by the petitioners and the applicant/intervenor, the controversy primarily concerns the preservation of the existing natural drainage system and the potential consequences of its obstruction during construction of the dual carriageway. Since both sides apprehend flooding and damage to their respective localities, the matter requires technical examination rather than determination based on mere allegations.

5. The applicant/intervenor appears to be a proper party, as the relief sought by him directly relates to the subject matter of the petition and may assist the Court in reaching an effective decision.

6. Accordingly, the application for impleadment is allowed amended title be filed. The concerned Works & Services and Irrigation Departments are directed to conduct a joint site inspection, examine the approved PC-I, engineering designs, irrigation maps and historical drainage pattern, and submit a comprehensive report through Additional Registrar of this court indicating whether the ongoing construction has obstructed or altered the natural flow of Siphon Dhoro and whether an adequate bridge/culvert is required. Meanwhile, the respondents shall ensure that no obstruction is caused to the natural flow of rain and floodwater and that the construction work does not adversely affect the adjoining villages, agricultural lands or public properties.

7. The petition stands disposed of without touching it merits.

JUDGE

JUDGE

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