HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

C.P. No.D-2307 of 2019

[Laik Ahmed Qureshi vs. Province of Sindh and others]

Before:

JUSTICE ADNAN-UL-KARIM MEMON
JUSTICE MUHAMMAD JAFFER RAZA

Petitioner:	Through Mr. Jan Muhammad Bukhari, Advocate
Respondents:	Through Mr. Wali Muhammad Jamari, Assistant A.G Sindh
Date of hearing	06.11.2026
Date of Decision	06.11.2026

O R D E R

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ADNAN-UL-KARIM MEMON, J.- The petitioner, an employee of Civil Hospital Nawabshah, has filed this Constitutional Petition seeking regulation of public transport operating on Mehran Highway (Nawabshah–Kot Lalo–Khairpur Road), which extends approximately 131 kilometres through several populated areas.

2. Learned counsel for the petitioner contends that the road is narrow, single carriageway and cannot sustain the increasing traffic, particularly heavy public transport operating without valid route permits; that reckless driving, over-speeding and unhealthy competition among transporters have resulted in frequent fatal accidents, causing loss of human lives and permanent disabilities; that the authorities have failed to regulate illegal transport, prevent accidents or provide emergency medical facilities, including first-aid centres and ambulances along the highway. He seeks directions against unauthorized transport, restraint on issuance of further route permits for Saeedabad–Khairpur route, legal action against violators and establishment of first-aid facilities and ambulance services at intervals of every 30 kilometres.

3. Learned AAG submit that under Section 44(1) of the Motor Vehicles Ordinance, 1965, no transport vehicle can operate on a public road without a valid route permit; that enforcement against violations falls primarily within the domain of Traffic Police and National Highways & Motorway Police, while the Transport Authorities conduct snap checking and coordinate with law-enforcement agencies. Reference is made to departmental directions dated 23.09.2019 requiring regular inspections against unauthorized and expired permits, illegal bus stands, and other

traffic violations; that only one route from Karachi to Bozdar has been classified, while another route from Karachi to Thari Mirwah is under consideration after obtaining reports from the concerned authorities. The AAG maintain that the Transport Department has introduced policy measures and time schedules to discourage unhealthy competition, whereas the authorities collecting tolls are responsible for providing requisite facilities on highways. He also objects that the petitioner has not availed the alternative remedy under Rule 96-A of the Motor Vehicles Rules, 1969, and has approached this Court with unclean hands. In the prayer, the respondents seek directions to the Traffic Police and National Highways & Motorway Police to strictly enforce the motor vehicle laws, prevent unauthorized operation of vehicles and ensure compliance with the orders of the superior courts.

4. We have heard learned counsel for the parties and examined the available record as well as the comments submitted by the respondents.

5. The grievance raised by the petitioner concerns a matter of considerable public importance, involving the safety of commuters and prevention of avoidable loss of human lives on Mehran Highway.

6. The allegations regarding frequent fatal accidents, unauthorized public transport, over-speeding and absence of emergency medical facilities cannot be brushed aside as mere administrative irregularities.

7. The right to life guaranteed under Article 9 of the Constitution encompasses not merely the right to exist but also the right to be protected against foreseeable threats to life arising from negligence, unlawful conduct and failure of public authorities to discharge their statutory obligations.

8. The respondents themselves acknowledge that Section 44(1) of the Motor Vehicles Ordinance, 1965, prohibits the operation of transport vehicles without valid route permits and that enforcement agencies are required to take action against violations. They have also referred to departmental instructions dated 23.09.2019 requiring regular inspections and monitoring of highways. However, issuance of such instructions, without demonstrating their effective implementation, cannot absolve the concerned authorities of their statutory and constitutional responsibilities. Similarly, the existence of coordination between the Transport Authorities and law-enforcement agencies cannot be treated as a substitute for effective enforcement.

9 It is also significant that the respondents have not satisfactorily controverted the petitioner's concerns regarding the increasing traffic burden, recurring accidents and absence of emergency medical facilities along the highway. The mere assertion that one route has been classified and another is under consideration does not address the fundamental issue of road safety and the capacity of the existing road

infrastructure to accommodate additional public transport. Any decision concerning the grant of new route permits must, therefore, be preceded by an objective assessment of the road's carrying capacity, traffic volume, accident history and public safety requirements. No permit can be granted mechanically, disregarding the safety of passengers and other road users.

10. The objection regarding the availability of an alternative remedy under Rule 96-A of the Motor Vehicles Rules, 1969, is not sufficient, in the circumstances of the present case, to defeat the petitioner's plea. The petition raises issues extending beyond an individual grievance and concerns public safety, enforcement of statutory obligations and protection of human life. The constitutional jurisdiction of this Court cannot be curtailed merely on the ground of an alternative remedy where the matter involves continuing public injury and alleged failure of public authorities to discharge their legal duties.

11. In view of the foregoing, we are of the considered view that the matter requires coordinated and effective action rather than mere exchange of correspondence between the concerned departments. Accordingly, this petition is disposed of with the following directions:

i. The provincial Transport Authorities, in coordination with the Traffic Police and National Highways & Motorway Police, shall ensure strict enforcement of Section 44 of the Motor Vehicles Ordinance, 1965, and take action against all vehicles operating without valid route permits or in violation of prescribed conditions. Even heavy traffic shall not be allowed to operate on such a narrow route.

ii. The competent Transport Authority shall undertake a proper assessment of traffic load, road capacity, accident record and safety conditions of Mehran Highway before considering any fresh route permit affecting the said road. DIGP Traffic Hyderabad and SSP of concerned districts shall ensure no heavy traffic is permitted to operate from such a narrow route, and if any violation occurs, they shall be exposed to appropriate proceedings under Article 204 of the Constitution.

iii. The concerned authorities shall conduct regular and effective checking to prevent over-speeding, overloading, unauthorized bus stands and other violations contributing to road accidents. SHOs of the concerned area shall initiate patrolling on daily basis to curb such incidents.

iv. The Government of Sindh, through the relevant departments, shall examine the feasibility of establishing first-aid facilities and providing ambulance services at suitable intervals along the highway, keeping in view its length, population and accident-prone locations.

v. The respondents shall submit a compliance report before the Additional Registrar of this court as well as the competent authority within a period of sixty days, indicating the practical measures taken pursuant to these directions. The Additional Registrar shall call compliance reports from the respondents from time to time to place before this court for appropriate orders.

12. Needless to observe that protection of human life is a paramount constitutional obligation, and no administrative or departmental authority can shirk its responsibility by shifting the burden to another department. The respondents are expected to act proactively and ensure that Mehran Highway does not remain vulnerable to preventable accidents merely because of administrative inaction or lack of coordination.

13. The petition stands disposed of in the above terms.

Let a copy of this order be communicated to all concerned for compliance.

JUDGE

JUDGE

Karar_Hussain/PS*