HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

C.P. No.D-03 of 2019

[District Bar Association Hyderabad vs. Province of Sindh and others]

Before:

JUSTICE ADNAN-UL-KARIM MEMON
JUSTICE MUHAMMAD JAFFER RAZA

Petitioner:	Through Mr. Imdad Ali Unar advocate
Respondents:	Through Mr. Allah Bachayo Soomro Additional A.G Sindh
Date of hearing	13.11.2026
Date of Decision	13.11.2026

O R D E R

***

ADNAN-UL-KARIM MEMON, J. - The petitioners have filed the instant Constitutional Petition seeking directions for prevention of overcharging by stamp vendors, maintenance and cleanliness of court premises, removal of encroachments from footpaths, regulation of traffic, installation of traffic signals, prevention of road blockages during marriage ceremonies, and ensuring proper parking facilities at marriage halls in Hyderabad.

2. Learned counsel for the petitioners submits that despite complaints regarding illegal sale of stamp papers at excessive rates, poor sanitation, blocked roads, traffic mismanagement and encroachments, the concerned authorities have failed to take effective action, compelling the petitioners to approach this Court. However, he adds that the purpose of filing this petition is served; only the issue of encroachment on footpath remains to be entertained.

3. The Deputy Commissioner, Hyderabad, in his comments, submits that the issues fall within the respective jurisdictions of HMC, WASA, Municipal Committee Qasimabad, Cantonment Board and other concerned departments. He states that meetings and joint inspections have been conducted, directions issued for improving sanitation and traffic management, and operations undertaken for removal of encroachments from footpaths. He further submits that complaints regarding stamp vendors and marriage halls may be provided for necessary action in accordance with law.

4. The SSP Hyderabad submits that traffic personnel have been deployed at busy points and that traffic congestion is also attributable to encroachments and

narrow roads. He denies having issued any permission for blocking public roads for marriage ceremonies.

5. We have heard learned counsel for the petitioners and learned law officers and have examined the material available on record.

6. Learned counsel for the petitioners has candidly stated that the grievances raised in the petition, except the issue of encroachments upon public footpaths, have substantially been addressed and that the petitioners now seek effective intervention of this Court for removal of such encroachments.

7. It is an undeniable obligation of the State and its functionaries to ensure that public roads and footpaths remain accessible, safe and unobstructed for the benefit of general public. Footpaths are meant exclusively for pedestrians, particularly children, elderly persons, differently-abled persons and other vulnerable members of society. Their occupation by vendors, shopkeepers, parking vehicles or other permanent or temporary structures not only deprives pedestrians of their lawful right of passage but also exposes them to the risk of accidents by compelling them to walk on carriageways. Similarly, unauthorized parking along roadsides and on footpaths aggravates traffic congestion, obstructs the free movement of emergency vehicles and creates avoidable hardship for the public. Such conditions cannot be allowed to persist merely because of administrative inaction, lack of coordination or overlapping jurisdiction amongst public authorities.

8. In the circumstances, we deem it appropriate to direct Commissioner Hyderabad Division, Hyderabad, Deputy Commissioners, Hyderabad & Jamshoro, Municipal Corporation, Municipal Committee Qasimabad, Cantonment Board, Hyderabad, Traffic Police and all other concerned district and municipal authorities and law-enforcement agencies to sit together, formulate a coordinated action plan and undertake joint operations for removal of all forms of soft and hard encroachments from public roads and footpaths throughout Hyderabad, strictly in accordance with law. The exercise shall not remain confined to isolated or selective operations but shall cover all affected areas, particularly main roads, commercial centers, public places and areas surrounding educational institutions and hospitals.

9. The concerned authorities shall further ensure that no vehicle of any description is permitted to be parked on public footpaths or at unauthorized roadside locations, and that all such unauthorized parking is removed forthwith by installing sign board of No-Parking. Adequate enforcement arrangements shall be maintained to prevent reoccupation of the cleared spaces. The Traffic Police of the area and municipal enforcement staff shall remain vigilant and take prompt action against violators without discrimination or favoritism. No vehicle shall be allowed

to be parked on public roads, which may cause hindrance for smooth functioning of vehicles.

10. We further direct Deputy Commissioner, Hyderabad, head of HDA, to act as the coordinating authority and ensure effective participation of all stakeholders, with clear assignment of responsibilities to each department. The concerned authorities shall not shift responsibility from one department to another on the pretext of jurisdictional limitations. The constitutional and statutory obligations of public authorities require meaningful coordination and tangible results rather than correspondence, meetings or assurances confined to official files.

11. Needless to observe that any failure, negligence, deliberate non-compliance or recurrence of encroachments and unauthorized parking, despite the present directions, shall be viewed seriously. The responsible officers, including the district and municipal /HDA/HMC authorities and police enforcement agencies, shall be held personally accountable for their respective failures, after due notice to them, and this Court shall be at liberty to initiate appropriate proceedings, including proceedings under Article 204 of the Constitution of the Islamic Republic of Pakistan, 1973, read with the applicable law, against the officers found responsible for willful disobedience of the Court's orders. The concerned authorities shall, therefore, ensure that the public does not continue to suffer on account of administrative apathy and failure to discharge their statutory duties.

12. The petitioners' learned counsel has stated that the remaining grievances have substantially been redressed.

13. Accordingly, the petition is disposed of in the above terms, with directions to the concerned authorities to ensure strict compliance and submit a joint compliance report through Deputy Commissioner, Hyderabad, within four weeks. Let a copy of this order be communicated to all concerned for compliance in time.

JUDGE

JUDGE

Karar_Hussain/PS*