

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

C.P No.D-1584 of 2025

(Mushtaque Ali Leghari v. P.O Sindh and others)

Present:

Mr. Justice Zulfiqar Ali Sangi;

Mr. Justice Riazat Ali Sahar;

Petitioner: Mushtaque Ali so of Dilbar Hussain ***(in-person)***

Date of hearing:-25.09.2025

Date of order:- 25.09.2025

O R D E R

ZULFIQAR ALI SANGI, J.– By means of instant Constitution Petition, the petitioner has prayed for the following relief (s):-

(a) To direct all respondents to file their respective comments along with record of the subjected area since last five years till to date in order to ascertain the truth that how much amount have been released and expensed.

(b) To direct the respondents to avail the basic facilities in above mentioned village with immediate effect and without further delay of negligence.

(c) To grant any other relief may be awarded which their Honourable Court deem fit and proper.

2. Case of petitioner is that despite lapse of more than five (05) years, no meaningful developmental work has been done in Village Muhammad Baqir Leghari, Taluka Thari Mir Wah, District Khairpur, by the concerned Government departments and local authorities. The village is still deprived of basic civic amenities, but not limited to paved streets, a proper drainage system, health facilities, and primary education infrastructure, thereby causing extreme hardship to the residents. Such inaction and apathy on the part of the respondents is arbitrary, discriminatory, and violative of the fundamental rights guaranteed under Articles 9, 14, 25, and 38 of the Constitution of the Islamic Republic of Pakistan, 1973, which ensure the right to life, dignity, equality before law, and promotion of social and economic well-being of the people.

3. At the very outset, the petitioner was confronted as to the maintainability of the petition in view of the fact that no representation has been made before the competent authorities, namely the Local Government Department or any other forum provided under law.

Furthermore, it is neither disclosed in the petition nor specified in the prayer clause as to which particular basic facility is being sought.

4. The petitioner, who appeared in person, was unable to satisfactorily meet the query raised by the Court and candidly admitted that he had not approached the Local Government Department or any other relevant forum before filing the instant petition.

5. It is a settled proposition of law that the extraordinary jurisdiction of this Court under Article 199 of the Constitution cannot be invoked as a substitute for ordinary remedies provided under the statute. The Hon'ble Supreme Court in the cases of *Muhammad Hanif Abbasi v. Imran Khan Niazi* (PLD 2018 SC 189) and *Muhammad Mubeen-us-Salam v. Federation of Pakistan* (PLD 2006 SC 602) has categorically held that where an alternate and efficacious remedy is available, the High Court would not ordinarily exercise its constitutional jurisdiction unless exceptional circumstances are shown.

6. The grievance raised by the petitioner pertains to non-provision of basic immunities and misuse of development funds, which involves disputed factual aspects requiring inquiry and determination by the competent administrative authorities, and not by this Court in its limited constitutional jurisdiction.

7. In view of the foregoing, we are not inclined to entertain the petition directly. However, the petitioner shall be at liberty to approach the concerned department/competent authority through a proper representation, which, if filed, shall be decided strictly in accordance with law and within a reasonable time.

8. With these observations, the petition stands ***disposed of***, along with all pending applications, if any.

JUDGE

JUDGE

*M.Ali**