

HIGH COURT OF SINDH CIRCUIT COURT, MIRPURKHAS

C.P No.D-663 of 2025

[Momin vs. Province of Sindh & Ors]

BEFORE:

JUSTICE ADNAN-UL-KARIM MEMON

JUSTICE RIAZAT ALI SAHAR

Mr. Feroze Ali Junejo, advocate for petitioner(s)

Mr. Muhammad Sharif Solangi, Assistant A.G Sindh a/w DHO
Tharparkar (**Dr. Lekhraj**)

Date of hearing & decision: 12.11.2025

ADNAN-UL-KARIM MEMON J. Petitioner prayed as under:-

- a) Declare the fixation of the Government Dispensary at the present location illegal, arbitrary, and against public interest.
- b) Direct respondents to relocate the construction to “Tikhar Chowk,” as recommended by the Deputy Commissioner and Assistant Commissioner.
- c) Direct respondents No.2 and 4 to implement the Assistant Commissioner’s report dated 26-04-2025 and ensure construction at the recommended, accessible site.

2. The petitioner claims to be duly elected Councilor of Ward No.3, Deh Rajar, Union Council Bolari, Taluka Diplo, District Tharparkar representing fifteen surrounding villages, including Chharil. The petitioner along with other residents of the villages has been aggrieved upon the acts of respondent No.4 regarding construction of Government Dispensary at proposed site as the land selected for the dispensary is located in front of the house of an influential local landlord and is situated in a flood-prone area near an old salt mine, making it both geographically unsuitable and inaccessible to the nearby villages. Recognizing these concerns, the petitioner with the unanimous consent of local community, submitted an application dated 17.02.2025 to the Deputy Commissioner, requesting that the dispensary be relocated to the central junction i.e. “Tikhar Chowk,” which connects all major roads and would ensure easy access for all villagers. Pursuant to this application, Deputy Commissioner vide Letter dated 24.02.2025, directed the Assistant Commissioner, along with Mukhtiarkar and Tapedar to inspect the site. Following the inspection, the officials submitted report dated 26.04.2025 acknowledging the petitioner’s

objections as genuine and recommending that the dispensary be constructed at Tikhar Chowk. While the Deputy Commissioner initially approved this relocation but subsequently due to political interference overturned. This arbitrary action, the petitioner contends, violates Articles 4, 9, 14, and 25 of the Constitution of Pakistan, amounts to misuse of authority, discrimination and wastage of public funds and deprives fifteen villages, both Muslim and Non-Muslim, of their rightful access to healthcare.

3. The matter pertains to administrative decision-making and public policy regarding construction of a Government Dispensary for the welfare of fifteen surrounding villages. Despite the recommendations of competent authorities, political interference has undermined the proper implementation of these administrative decisions, resulting in an unsafe and inaccessible location that is against the public interest. The petitioner submits that this Court's intervention is necessary to ensure that administrative orders are implemented lawfully, equitably, and in accordance with the recommendations of Deputy Commissioner and Assistant Commissioner, thereby safeguarding the constitutional rights of the community to accessible healthcare and preventing misuse of authority for private or political gain. If this is the position of the case, the competent authority shall look into the matter and intervene promptly if the grievance of the petitioner is found to be genuine; the same shall be acted upon without further loss of time.

4. This petition stands disposed of in the above terms.

JUDGE

JUDGE

Karar_Hussain/PS*