

ORDER SHEET
IN THE HIGH COURT OF SINDH BENCH AT SUKKUR
Constitution Petition No.D-1870 of 2025

Date	Order with signature of Judge
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- 1. For hearing on CMA No.7751/25 (U/A).
- 2. For hearing on CMA No.7432/25 (U/A).
- 3. For orders on o/objections.
- 4. For hearing of CMA No.7433/25 (E/A)
- 5. For hearing of main case.

18.11.2025

Mr. Shehzado Dreho, Advocate for the petitioner.

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- 1. Granted.
- 2. Infructuous.
- 3. Deferred.
- 4. Granted, subject to all just and legal exceptions.
- 5. Through this petition, the petitioner prayed as under:-
 - a). Declare that scheme Bilawal Bhutto Zardari Park to Luqman Khairpur Bye Pass road near Railway line (both sides of Mirwah Canal)I/C to wall parallel to Mirwah canal, work order No. T.C/G-55/885/2022 dated. 14-06-2022, reserved funds of scheme misused by the respondents No. 1,2, 5 & others and released to their favorite contractors and ignored to the petitioner with ulterior motives by the respondent No. 1, 2, 5 & others such act by the respondents No. 1, 2, 5 & others are grossly illegal, malafide and against norms of law, justice, equity, good conscience, discrimination, negligence and misconduct, so, therefore they are liable for action.
 - b). Declare that scheme Bilawal Bhutto Zardari Park to Luqman Khairpur Bye Pass road near Railway line (both sides of Mirwah Canal)I/C to wall parallel to Mirwah canal is complete by the

petitioner within time and petitioner's funds restrained by the respondents No. 1, 2, 5 & others are grossly illegal, malafide and against norms of law, justice, equity and good conscience, so, therefore they are liable for action.

c). Further direct the respondents No. 1, 2, 5 & others forthwith release the amount of the petitioner Rs. 155.254 (m) as suggested in the para No. 2 of this petition and ensure, safeguard provide to the petitioner pecuniary rights/legal rights as well as livelihood suggested in the Constitution and law.

d). Further direct, bound down and restrained to the respondents No. 1,2, 5 & others from using unlawful methods and delay tactics in releasing amount/ funds to the petitioner but in accordance with law.

e). Further direct all officials respondents are duty bound to act accordance with law and avoided by the discrimination with anyone including the petitioner & Protect the fundamental/legal rights of the petitioner as envisaged by the law & Constitution of Islamic Republic of Pakistan 1973.

From a careful examination of the pleadings, it is evident that the relief sought by the petitioner emanates from alleged contractual obligations between the parties. Such claims necessarily require determination of factual issues, examination of the terms of the contract, and assessment of respective performances and breaches—matters which cannot be adjudicated in the exercise of writ jurisdiction. It is a well-settled principle that where the dispute is contractual in nature and involves factual controversies, the constitutional jurisdiction under Article

199 of the Constitution is not an appropriate remedy, as the Court is not required to embark upon a factual probe or conduct a trial-like inquiry.

In view of the above, the petition, on the face of the record, is not maintainable and does not warrant interference by this Court. Accordingly, the petition is dismissed. However, the petitioner shall be at liberty to seek appropriate relief before the competent forum in accordance with law.

JUDGE

JUDGE

S.Nawaz(St)'