

**IN HIGH COURT OF SINDH, CIRCUIT COURT
HYDERABAD**

C.P. No.D-326 of 2026

[M/s. Sajid Ali Shaikh and others v. Province of Sindh and others]

Before:

Mr. Justice Arbab Ali Hakro

Mr. Justice Riazat Ali Sahar

1. For order on MA No.1412/2026.
2. For order on office objection.
3. For order on MA No.1413/2026.
4. For hearing of main case.

Petitioners : M/s. Sajid Ali Shaikh and others
through Mr. Ghulam Murtaza Shaikh,
Advocate.

Respondents : Nil.

Date of Hearing : 19.02.2026

Date of Decision : 19.02.2026

ORDER

RIAZAT ALI SAHAR. J. - Through this petition, the petitioners are seeking following reliefs:-:-

- a) *That this Honourable Court may be pleased to pass appropriate Order for the release of the funds in account of Flood Emergency 2022.*
- b) *That this Honourable Court may pleased to direct the officials respondents special respondent No.7 to comply the directions of the letter dated 17-05-2023 as per law.*
- c) *That this Honourable Court may be pleased to direct the respondents to redress the grievance of the petitioner which were pending since 2022 and till date.*
- d) *That this Honourable Court may be pleased to grant any other relief which the Honourable Court deems fit and proper.*

2. The petitioners have stated in their petition that they are registered contractors/companies who, during the flood emergency of 2022 declared by the Government of Sindh in District Dadu, were assigned works relating to repair and maintenance of the left bank of M.N.V. Drain and construction of

Ring Bunds/Ring Bands for protection of Dadu City. The assignments were made through the office of the respondent No.7/Deputy Commissioner, Dadu and executed under the supervision of the Executive Engineer, Highways Division Dadu, on emergent basis to safeguard life and property. The petitioners completed the works and submitted their respective bills; however, according to them, only partial payments were released from the funds allocated for relief and rescue operations, while substantial amounts remain outstanding.

3. The record reflects that the Deputy Commissioner, Dadu, through letters dated 02.02.2023, approached the Secretary, Irrigation Department, Government of Sindh, forwarding the claims of the contractors and seeking release of further funds in light of the advice of the Finance Department conveyed vide letter dated 03.11.2022. Subsequently, as per letter dated 17.05.2023 addressed to the Secretary, Works & Services Department, Government of Sindh, Karachi (available at page-41 of the Court file), the Section Officer (B&A) for Secretary to Govt. of Sindh requested for necessary action in the matter. In the said letter, it is stated that the Chief Engineer, Irrigation Sukkur Barrage Right Bank Region Larkana through his letter dated 05.05.2023 intimated that the works had been executed by the Executive Engineer, Highways Division Dadu under the supervision of the Deputy Commissioner Dadu and therefore, the claim could not be verified at that stage. Due to non-clearance of their alleged outstanding dues, the petitioners have invoked the constitutional jurisdiction of this Court under Article 199 of the Constitution.

4. Learned counsel for the petitioners contends that the petitioners performed emergent public works at the behest of the District Administration during a declared flood emergency and that the respondents are legally bound to release the admitted outstanding amounts. He contends that partial payments already made constitute acknowledgment of liability and the remaining dues are unlawfully withheld without justification. Learned

counsel contends that the impugned inaction and inter-departmental correspondence cannot defeat the vested right of the petitioners to receive payment for executed works. He further contends that the respondents' failure to process and verify the claims amounts to arbitrary exercise of authority, violative of Articles 4 and 18 of the Constitution. Hence, this petition.

5. Heard and perused the record.

6. It is an admitted position that the works in question were undertaken during the flood emergency of 2022 in District Dadu under the directions of the local administration of the Government of Sindh. The letters dated 02.02.2023 issued by the Deputy Commissioner, Dadu demonstrate that partial payments were made to certain contractors from allocated relief funds and that further release of funds was sought from the Irrigation Department pursuant to advice of the Finance Department. The subsequent letter dated 17.05.2023 indicates that the matter pertains to inter-departmental verification and the Chief Engineer, Irrigation, declined verification on the ground that the works were executed under the supervision of the Highways Division.

7. From the tenor of the correspondence, it is evident that the impugned letters are internal communications between departments of the Government of Sindh, primarily concerning verification and allocation of funds. No final adjudication of the petitioners' claims has been made, nor has any specific order been passed denying liability. The controversy essentially relates to disputed questions of fact regarding execution, verification, sanction and quantification of claims, which require departmental scrutiny and possibly evidence. Furthermore, the amount claimed by the petitioners is not clearly admitted by the competent authority; rather, it is subject to verification and sanction. **The petition appears to have been filed after considerable lapse of time from completion of works in 2022 and referred letter dated**

17.05.2923 through prayer clause (b) which reflects the cause of action, without demonstrating exhaustion of statutory or departmental remedies. The petitioners are required to pursue their claims before the competent authority in accordance with the relevant financial and procurement rules.

8. The impugned correspondence reflects an ongoing administrative process and does not constitute a final, appealable or justiciable order amenable to constitutional jurisdiction. In absence of *mala fide*, patent illegality or refusal to perform a statutory duty, a writ of mandamus cannot be issued merely for recovery of contractual dues, particularly where disputed questions of fact are involved. The proper remedy, if any, lies before the competent civil forum or through departmental mechanisms provided under the law. Accordingly, the petition, being not maintainable under Article 199 of the Constitution and involving disputed contractual claims requiring factual determination, is **dismissed in *limine*** along with listed applications. The petitioners, however, are at liberty to approach the competent authority for redressal of their grievances in accordance with law.

JUDGE

JUDGE

Abdullahchanna/PS