

HIGH COURT OF SINDH CIRCUIT COURT, HYDERABAD

C.P. No.D-1205 of 2025

[Kamran Rasool Patoli v. Federation of Pakistan and others]

BEFORE:

JUSTICE ADNAN-UL-KARIM MEMON
JUSTICE RIAZAT ALI SAHAR

Mr. Ayatullah Khowaja, Advocate for Petitioner

Mr. Ghulam Abbas Sangi, Asst. Attorney General

Mr. Fayaz Ahmed Leghari, Advocate for respondents

Mr. Tanveer Abdullah, Chief Legal Officer, Ghulam Mustafa Arain Addl.
S.E. GSO HESCO and Abdul Raheem, Assistant Law Section, are present.

Date of hearing & decision: 04.12.2025

ORDER

ADNAN-UL-KARIM MEMON J.- The petitioner, through this
Constitutional Petition, has prayed to:-

- a) Declare that the continued existence of low-hanging high tension aerial transmission lines above the petitioner's property is illegal, hazardous, a violation of public safety laws, and an infringement of the petitioner's constitutional rights.
- b) Declare the respondents, particularly respondent No.3 to forthwith take appropriate remedial action by either (i) removing the said transmission lines and poles from above the petitioner's land or (ii) elevating and securing the same to a height not less than 50 feet above ground level in accordance with statutory and safety standards.
- c) Restrain the respondents from operating or maintaining any high-tension lines above the petitioner's land at a height less than the minimum required safety clearance.

2. The case of the Petitioner is that he owns commercial property located in Deh Patar, Tappo A, Tando Saindad, Taluka, and District Tando Muhammad Khan. High-tension aerial electric transmission lines, operated and maintained by the Respondents, currently pass directly above the said property at an alarming height of less than 30 feet from the ground, creating a dangerous situation for the Petitioner. The Petitioner submitted an application dated 26.05.2025 to Respondent No.3 requesting immediate remedial action; however, no action has been taken. This inaction, the Petitioner counsel contends, constitutes violation of Articles 4, 9, 18, 23, and 24 of the Constitution. Finding no other remedy, the Petitioner has filed the present Constitutional Petition. He prayed to allow this Petition.

3. In response to the notice, Respondents 2 to 5 filed their comments, stating that the transmission line was installed in 1986 and that the poles conform to international standards. For high-voltage lines ranging from 33 kV to 132 kV, the minimum ground clearance is 7 to 8 meters, i.e., 23 to 26 feet. The subject line is 132 kV, and it is not feasible to increase its height because there is a grid station located immediately after two poles, which cannot be relocated. The land was acquired specifically for installation of these poles, and the government invested substantial resources in establishing this system. The Respondents' counsel asserts that it is almost impossible to remove the poles or alter the direction of the system after 50 years merely to accommodate the Petitioner's commercial activities. He maintains that the installation is neither illegal, alarming, hazardous nor dangerous; therefore, the Petition is liable to be dismissed.

4. After hearing the parties, prima facie, the transmission line over the Petitioner's property poses a real danger, and it needs to be within NEPRA clearance standards. The respondents' submissions of historical installation do not absolve them of their constitutional and regulatory duty to protect life and property. The Petitioner's rights under Articles 4, 9, 18, 23 and 24 are engaged, and safety must prevail.

5. Accordingly, this petition stands disposed of with direction to the competent authority of Respondents to conduct a technical safety survey of the transmission line over the Petitioner's property after taking into confidence the petitioner or his participation in the process within 30 days, assessing actual ground clearance, sag, and horizontal/vertical distances. If the survey confirms unsafe conditions, Respondents shall take immediate remedial measures, including relocating or rerouting the line, or restricting commercial activity on the property until safety is ensured. If relocation or rerouting is not technically feasible, Respondents shall provide appropriate compensation to the Petitioner.

JUDGE

JUDGE