

ORDER SHEET
IN THE HIGH COURT OF SINDH
CIRCUIT COURT MIRPURKHAS

CP. No. D- 444 of 2025
[Ashfaque Ahmed Bhatti v. Province of Sindh & others]

BEFORE

Mr. Justice Adnan-ul-Karim Memon
Mr. Justice Riazat Ali Sahar

Mr. Abdul Ghafoor Narejo, advocate for petitioner.

Mr. Haji Qalandar Bux Laghari, advocate for respondent No.9.

Mr. Muhammad Sharif Solangi, A.A.G along with Nazeer Ahmed, Muktiarkar Kot Ghulam Muhammad and SIP Ali Hassan Solangi PS Dengan Bhurgari.

Date of Hearing
& Decision : 10.12.2025

ORDER

ADNAN-UL-KARIM MEMON, J. - The case of the petitioner, Ashfaque Ahmed Bhatti, is that his fundamental rights are protected under the Constitution. One of these rights includes receiving due share of irrigation water for his agricultural lands. The petitioner owns agricultural land measuring 59-10 acres (Survey Nos. 49, 50, 51, 52, 53, 234, 235, 236) in Deh 211, Tappa Kalwari, Taluka Kot Ghulam Muhammad District Mirpurkhas, duly recorded in the Revenue Records under Entry No. 9 dated 04-06-2021. The land is irrigated through Water Course No. 211/1L of Jamrao Canal, and the sanctioned water share list entitles him to a specific portion of irrigation water. Since purchasing the land, the petitioner has been cultivating it with a regular water supply provided by the respondents. However, respondent No.9 filed F.C Suit No. 58 of 2024 before the Court of Senior Civil Judge, Mirpurkhas, claiming that the land was part of a Waqf created in 1943. The trial Court granted an injunction on 23-08-2024, restraining the defendants, including the petitioner, from creating any third-party interest in the land. Importantly, the order did not restrict the provision of irrigation water. Despite this, the respondents have stopped supplying irrigation water to the petitioner's land. Even after obtaining legal opinion from the Deputy District Attorney, Mirpurkhas, on 29-05-2025, affirming the petitioner's right to irrigation water according to the sanctioned share list, the respondents have failed to provide it. An application for intervention was also made to respondent No.2, copied to respondents 3 & 4, but no action has been taken, causing severe loss to the petitioner, including destruction of standing crops. The petitioner submits that the respondents' act of withholding irrigation water is illegal, *mala fide*, and beyond the scope of injunction, making him an aggrieved person under Article 199 of the Constitution. No

other petition has been filed in this regard. Petitioner seeks direction to the respondents to provide the petitioner's due share of irrigation water according to the sanctioned water list. Additionally, the petitioner submits that although some revenue entries Nos. 9 and 10 of VF VII-B were canceled by the Member Judicial Board of Revenue Sindh on 03-01-2024, the original entry No. 08 confirming his purchase remains intact.

2. Mukhtiarkar Taluka Kot Ghulam Muhammad submitted that, according to Revenue Records of Taluka Kot Ghulam Muhammad, Deh 211, under Entry No. 08 of VF VII-B, Ashfaque Ahmed purchased agricultural land through registered sale deed from Khurram Syed son of Hidayatullah and others, totaling 83-24 acres. Subsequently, under Entry No.09 of VF VII-B, the petitioner Ashfaque Ahmed son of Sache Dino, is recorded as holding Survey Nos. 50, 51, 52, 234, 235 and 236, measuring 59-10 acres, with full rupee share. Additionally, under Entry No. 10 of VF VII-B, the petitioner owns Survey Nos. 173, 174, 175, 176, and 177, covering 24-7½ acres, also with full rupee share. However, some of the partition entries, specifically Entry Nos. 9 and 10 of VF VII-B were later canceled by the Member Judicial Board of Revenue Sindh, Hyderabad, through an order dated 03-01-2024. Despite this, the original Entry No.08 confirming the petitioner's purchase remains intact.

3. After arguing the matter at some length, both parties have agreed that the instant petition may be disposed of in accordance with the order dated 23.08.2024 passed by learned Senior Civil Judge-II, Mirpurkhas, whereby the Court granted an injunction on 23-08-2024, restraining the defendants, including the petitioner from creating any third-party interest in the land.

4. After hearing the arguments and considering the submissions, it is directed that the Irrigation Department shall provide irrigation water to both the parties strictly in accordance with the prevailing sanctioned water share list, without any hindrance or obstruction. It is made clear that if any person or authority creates bottlenecks in the supply of irrigation water to the lands of the parties, the concerned SSP shall take swift action upon complaint from the aggrieved party.

5. Accordingly, the instant petition, along with listed applications, stands disposed of in the above terms.

JUDGE

JUDGE