

ORDER SHEET
HIGH COURT OF SINDH CIRCUIT COURT,
MIRPURKHAS

C.P No.D-1251 of 2024

[Gulab v. Province of Sindh and others]

Before

Mr. Justice Adnan-ul-Karim Memon

Mr. Justice Riazat Ali Sahar

Petitioner is present in person.

Mr. Ayaz Ali Rajper, Assistant A.G Sindh.

Dr. Muhammad Ali Noori, D.H.O Umerkot.

Dr. Sadique Ali Baloch, Deputy Director D.G Health Hyderabad.

Date of Hearing

& Order : 17.12.2025

ORDER

ADNAN-UL-KARIM MEMON, J. - Petitioner Gulab has filed the instant constitutional petition with the following prayers:

a. That this Honourable Court may graciously be pleased to direct respondents No. 2 to 5 to make the original Civil Hospital, Umerkot, functional as a *Taluka Hospital, Umerkot*, on humanitarian grounds for the benefit of the general public.

b. That this Honourable Court may be pleased to direct respondents No. 1 to 8 to place before this Honourable Court complete details of movable and immovable assets of the District Headquarter Hospital as well as the Taluka Hospital, including details of funds received from the Government of Sindh, total budgets, and expenditures for the fiscal years 2021–2022 and 2023–2024.

c. That this Honourable Court may kindly call for the complete record from respondent No. 9 regarding all private medical centers and maternity homes functioning as health facilities, including their registration status, lists of doctors, and any other relevant record.

d. Any other relief deemed just and proper by this Honourable Court in the interest of justice.

2. Learned AAG submitted that a new District Headquarter Hospital has been constructed and established outside Umerkot City, comprising 150 beds. Paramedical staff and Medico-Legal Officers have already been posted and are performing their duties. He further submitted that, in view of the establishment of new hospital, the prayers made by the petitioner stand substantially satisfied; therefore, disposal of the petition is sought in the said terms.

3. At this stage, counsel for petitioner submitted that the old hospital shall not be demolished and may be allowed to be renovated.

4. In such a state of affairs, this Court directed District Health Officer Umerkot, to submit a report from the concerned Engineer to show whether the old premises of the hospital is in livable condition or otherwise.

5. In compliance with the above directions, District Health Officer District Umerkot, present in court, submits that a certificate has been received from the Sub-Engineer, Provincial Building Department, Mirpurkhas, certifying that the old building of DHQ Hospital is in a deteriorated condition and unsafe. He further submitted that the said technical assessment categorically declares the old DHQ Hospital building is unsafe to occupancy and use, posing a serious risk to patients, staff, and public. However, the contents of certificate have been duly examined by the Health Department, which is of the same viewpoint and seeks disposal of the petition in the aforesaid report.

6. Heard learned counsel for the petitioner and learned Assistant Advocate General for the respondents and perused the record with their assistance.

7. It is an admitted position that a new District Headquarter Hospital comprising 150 beds has been constructed and made functional outside Umerkot City, where paramedical staff as well as Medico-Legal Officers have already been posted and are performing their duties. Thus, the primary grievance of the petitioner regarding availability of hospital facilities for the public at large stands substantially redressed.

8. With regard to the old Civil / DHQ Hospital building, pursuant to the directions of this Court, a technical report has been submitted by the District Health Officer District Umerkot, along with a certificate issued by the Sub-Engineer, Provincial Building Department, Mirpurkhas, which categorically declares the said building to be in a deteriorated condition and unsafe for occupation and use. The said report has neither been disputed nor controverted by the petitioner and has also been endorsed by the Health Department.

9. In view of the clear technical opinion declaring the old hospital building unsafe, this court finds no justification to direct its renovation or continued use, as such a course would endanger the lives of patients, medical staff and general public. Matters relating to demolition, reconstruction, or alternative utilization of the premises fall within the exclusive domain of the competent authorities and shall be dealt with strictly in accordance with law and applicable rules.

10. As regards remaining prayers, the same stand rendered infructuous in view of the establishment of new District Headquarter Hospital and the factual position placed on record.

11. Accordingly, the instant constitutional petition is disposed of, without touching the merits of the case, with the observation that the respondents shall continue to ensure provision of adequate medical facilities to the public in accordance with law. The District Health Officer shall monitor the development works and ensure the availability of requisite staff round the clock, proper care and treatment of patients, and adequate supply of medicines and other essential facilities.

JUDGE

JUDGE

Karar Hussain/PS*