

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Constitution Petition No. D- 173 of 2026
(Muhammad Tarique Maitlo vs. P.O Sindh & others)

Before:

Adnan-ul-Karim Memon, J;
Abdul Hamid Bhurgari, J;

15.06.2026.

None present for the petitioner.

Syed Israr Ahmed Shah, Assistant Advocate General Sindh.

ORDER

Adnan-ul-Karim Memon; Petitioner Muhammad Tarique Maitlo has invoked the constitutional jurisdiction of this Court under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, seeking directions against the respondents to provide and construct a proper drainage system in village Khuda Bux Maitlo, Taluka Kingri, District Khairpur without delay, to install solar street lights in the said village, and to constitute a committee to visit Union Council Lal Bux Kandhro for inspection and removal of stagnant drainage water and to submit a report before this Court regarding the physical condition of the area. It was submitted by the petitioner in the memo of petition that village Khuda Bux Maitlo comprises approximately 1,000 houses with a population of about 22,000 persons, and is severely deprived of proper drainage facilities. Due to recent rains, the streets have become damaged, blocked, and submerged in stagnant rain and wastewater, causing serious hardship to the residents and worsening sanitary conditions. He pray to allow the petitioner.

3. On the other hand, the learned Assistant Advocate General, Sindh, submitted comments of the Executive Engineer (Development), Public Health Engineering Division-I, Khairpur Mir's, and stated that the matter was not pressed by the petitioner's counsel. It was further indicated that the relevant scheme is already in progress and is likely to be completed shortly. Assurance was also extended that if the scheme is ongoing, it shall be completed within the prescribed project framework and all necessary facilities shall be provided to the petitioner's village in accordance with law.

4. In view of the pleadings of the petitioner and the stance adopted by the learned Assistant Advocate General, Sindh, it appears that the grievance raised in the petition pertains to the provision of basic civic amenities, particularly drainage and allied infrastructure, which fall within the constitutional and statutory obligations of the concerned public authorities.

5. We have been informed that a development scheme for the area is already in progress and is expected to be completed within the prescribed timeframe. The Executive Engineer (Development), Public Health Engineering Division-I, Khairpur Mir's through comments has also assured that the ongoing scheme shall be completed expeditiously and in accordance with the project parameters, ensuring provision of necessary civic facilities to the residents of the village.

6. It is a settled principle that when a public authority demonstrates that the subject matter of litigation is already under implementation through a lawful development scheme, and there is a categorical assurance of timely completion, the constitutional jurisdiction of this Court is ordinarily not required to be exercised further, unless there is clear mala fide, inaction, or arbitrary delay. In the present case, no such allegation of mala fide or abuse of authority has been substantiated.

7. Accordingly, without touching the merits of the case, the petition having been rendered infructuous in view of the ongoing scheme and the assurance of its completion, warrants disposal in terms of the statement of the official respondents. However, it is expected that the concerned authorities shall strictly adhere to their commitment, ensure completion of the drainage project within the stipulated timeframe, and provide the requisite civic facilities to the residents without unnecessary delay. In case of any failure or undue delay, the residents shall remain at liberty to seek appropriate legal remedy in accordance with the law.

8. Resultantly, the petition stands disposed of in the above terms.

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