

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

**C.P. No.D- 1375 of 2017**

**Present**

**Mr. Justice Muhammad Iqbal Kalhoro  
Mr. Justice Adnan-ul-Karim Memon**

Muhammad Iqbal Kazi and others	-----	Petitioners
	Vs.	
Province of Sindh & others	-----	Respondents

**Dates of hearing:** 26.2.2019, 12.3.2019 & 19.03.2019

**Date of decision:** 18.04.2019

M/s. Jhamat Jethanand & Sundardas, Advocates for Petitioners.

Mr. Noorul Haq Qureshi, Advocate for Respondents No.3 and 4.

Mr. Saad Fayaz, Advocate for Applicants / Interveners.

Syed Muhammad Saulat Rizvi, Advocate for MD SIDA.

Mr. Allah Bachayo Soomro, Addl.A.G.

Mir Ghulam Ali Director SIDA, Muhammad Ali Zardari Canal Assistant,  
Akram Lashari AEN Talhar.

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**J U D G M E N T**

**ADNAN-UL-KARIM MEMON J.:** The instant Constitution Petition, under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973, has been filed by the petitioners, seeking declaration to the effect that the petitioners are khatedars of “Mallah-Channel”(hereinafter referred to as “Mallah Shakh”) and are entitled to water share to irrigate and mature their crops and that the respondents have no jurisdiction / authority to interfere with their watercourse, situated at RD-80 “Akramwah / Phuleli Canal”, Kotri Barrage.

2. The brief facts necessary for adjudication of the *lis* at hand are that the petitioners own agricultural land situated in Taluka and District Hyderabad, which is settled on the following water courses.

S.#	Name	Description
1	Muhammad Iqbal Kazi	S.No.2,4,5/1; 6; 433, 434, 435 admeasuring 31-21 acres in Deh Senhwar
2	Sultan Salahuddin Farooq Kazi	S.No.246, 267 admeasuring 15-17 acres in Deh Gujan
3	Master Budho Khan	S.No.291 admeasuring 4-10 acres Deh Gujan
4 5.	Uris Chandio Huzoor Bux Chandio	S.No.89, 93, 94, 95, 101 and 102 admeasuring 48-0 acres Deh Gujan
6	Murtaza Khoso	S.No.289, 291, 187, 290 admeasuring 16-01 acres Deh Gujan
7	Ali Nawaz Khokhar	S.No.436 admeasuring 5-32 acres Deh Sanhwar
8	Muhammad Ismail Khoso	S.No.242, 243 admeasuring 9-20 acres Deh Gujan
9	Abdul Ghani	S.No.246, 267, 31/1,2; 32; 33; 37/1,21 38, 39, 40 admeasuring 45-19 acres Deh Gujan
10	Ghulam Rasool Khokhar	S.No.17 admeasuring 4-24 acres Deh Sanhwar
11	Abdul Jabbar Rind	S.No.96/1; 97/1,2; 98 admeasuring 21-15 acres Deh Gujan
12	Munawar	S.No.252 admeasuring 3-24 acres Deh Gujan

No. of water course	Channel	Total area settled	Area irrigation	Balance of area
6-AR	Bilori	502	502	Nil
7R	Bilori	593	593	Nil
8AL	Bilori	556	100	456
14AR	Ghotano	319	96	223
15R	Ghotano	374	13	361
7L	Ghotano	468	252	216

The case of the Petitioners is that their land is irrigated through aforesaid water courses for last 40 years and they are paying water cess to the Government of Sindh. The Respondent No.4 along with others has attempted to obstruct the water supply to the petitioners' land from Mallah Shakh and threatened to close the aforesaid Shakh through force, in order to accommodate the private individuals. Against which the petitioners have given representations to Respondent No.1 but in vain, hence this Petition.

3. Upon notice, the respondents filed para-wise comments and, controverted the contentions of petitioners against them.

4. M/s. Jhamat Jethanand & Sundardas, learned counsel for petitioners argued that threats by Respondent No.4 to stop water supply to the lands of Petitioners are illegal, against the law and equity; that Respondent No.4 is holding the public post as Director Left Bank Canals, Area Water Board Badin, therefore falls within the purview of Sub-Clause (1)(b)(ii) of Article 199 of the Constitution, which permits this Court to issue "Writ of Quo-warranto" requiring him to show that under what authority or law he holds that office. Further he has no authority to interfere with

the water supply to the lands of Petitioners and other Khatedars; that official respondents are bound to supply water to the lands of Petitioners in accordance with Irrigation Act; that the people have the right to have access to safe drinking water and irrigate their land; that Respondent No.4 is misusing the power and authority of Area Water Board and Farmers Organization and has frustrated the entire scheme of Sindh Irrigation Drainage Authority (SIDA) Act IV of 1997 and SIDA Ordinance IX of 2002 which are meant for equitable distribution of irrigation water through participation of beneficiaries; that water supply of Petitioners is being disturbed by Respondent No.4 without any notice and affording opportunity of hearing to them. That no provisions of SIDA Act/ Ordinance or Irrigation Act authorizes Respondent No.4 or any of the Respondents to interfere with water supply of Petitioners through watercourse Mallah Shakh. He lastly prayed for allowing the instant petition.

5. Mr. Noorul Haq Qureshi, learned counsel for Respondents No. 3 and 4 has argued that temporary supply has erroneously been converted into permanent source of supply; that the Petitioners are encroachers who have filed the instant petition for taking undue advantage of temporary source of supply which was allowed to one Pir Bux Mallah; that the relief granted to Pir Bux Mallah was a temporary arrangement under Section 29 of Sindh Irrigation Act 1879. He next contended that Petitioners are neither legal heirs, nor successors and assignees of Pir Bux Mallah who himself was merely a lessee of some private land. After completion of his lease he abandoned his claim, but the Petitioners have taken undue advantage thereof; that a perusal of initial order passed for temporary source of supply in favour of Pir Bux Mallah would show that neither survey numbers are mentioned nor the area is specifically denominated, hence the claim of petitioners being Khatedars with Pir Bux Mallah on the face of it appears to be vague having no legal force; that earlier CP. No. D-168 of 2003 was not pressed by the Petitioners as they were satisfied and now they cannot turn around and re-agitate the same cause of action as it is hit by principle of res-judicata, when particularly no permission was sought to file a fresh petition; that the Petitioners have increased supply of water by installing 3 feet dia pipe contrary to the initial temporary sanctioned RMS RFS type of 7 and half inches; the Petitioners have created a wrong impression that it was permanent shifting of source of water from one Barrage to another Barrage which all the documents show was a temporary source under Section 29 of Sindh Irrigation Act; that the Petitioners have encroached the rights of tail enders of Akramwah and other Khatedars and have continued temporary supply and when they were restrained, they took law in their hands, threatened and maltreated the official Respondents physically. Such reports were communicated to high-ups and internal

correspondence in between the authorities was continued; that the Petitioners have erroneously pressurized the public functionaries by challenging their official capacity just to harass them and keep them away from interrupting their illegal activities which are continued since decades; that the question of factual controversy is involved in the present petition and writ is not competent therefore for this alone reason this constitutional petition may be dismissed; that the Petitioners since have approached this Court with unclean hands, they are not entitled for equitable relief and a writ cannot be issued in aid of injustice which has been continued since long by stealing water through 3 feet dia pipe which has affected the rights of tail enders; that leveling allegations against Respondent No.4 or raising question about his posting is totally immaterial; the petition in view of above enumerated facts and circumstances merits no consideration hence is liable to be dismissed. Learned counsel in support of his arguments has relied upon the case of *Sindh Graduates Association and another v. The State Bank of Pakistan through its Governor and 2 others* (1992 MLD 2238), *Muhammad Yar (deceased) through L.Rs and others v. Muhammad Amin (deceased) through L.Rs and others* (2013 SCMR 464), *Mst. Yasmeen and another v. Sahib Zarin and 6 others* (2013 CLC 1417 Peshawar), *Muhammad V. Syed Iqbal Hassan* (2013 CLC 357 Karachi), *Ch. Saifullah v. Tourism Development Corporation of Punjab Ltd through Managing Director and another* (2002 YLR 1429), *Syed Khawar Munir v. Province of Punjab through Member, Revenue Board, Punjab Lahore and 5 others* (2002 YLR 1367), *Tufail Muhammad and others v. Raja Muhammad Ziaullah Khan, Claims Commissioner, Lahore and Director of Enforcement, Evacuee Property and Claims South Zone, Lahore* (PLD 1965 S.C. 269), *Malik Muhammad Majeed v. Government of Pakistan* (PLD 2002 Lahore 290), *Muhammad Rafique and others v. District Returning Officer and others* (2006 YLR 383), *Farzand Raza Naqvi and 5 others v. Muhammad Din through Legal Heirs and others* (2004 SCMR 400), *Tehsil Municipal Administration (TMA) Mandi Bahauddin through Tehsil Nazim v. Evacuee Trust Property Board Punjab, Lahore through Chairman and 4 others* (2004 YLR 1969), *Muhammad Afzal Chadhar v. The Zonal Chief, United Bank Limited, Zonal Office, Jhang and 2 others* (2000 SCMR 1119), *Abdul Khalique v. Federation of Pakistan through Secretary Board of Investment and 4 others* (2016 PLC (CS) 530), *Syed Saqib Jahangir and 19 others v. Federation of Pakistan through Secretary, Ministry of Water and Power and 7 others* (2016 PLC (C.S.) 728), *Faiz Bakhsh and others v. Deputy Commissioner / Land Acquisition Officer, Bahawalpur and others* (2006 SCMR 219), *Mrs. Zeenat Ahmed v. Federation of Pakistan through Secretary Ministry of Defence and others* (2015 PLC (CS) 719), *Asadullah Mangi*

*and others v. Pakistan International Airlines Corporation* (2005 PLC (CS) 771), *Colony Sarhad Textile Mills Ltd. V. Commissioner, Peshawar Division and 32 others* (PLD 1957 Pesh. 149), *Darayus Pestonji v. Nam Singh and 2 others* (1998 CLC 921), *Malik Jahangir Ahmad v. Judge Special Court No.1, Anti-Terrorism, Rawalpindi and 2 others* (PLD 2005 Lahore 328) and *Pakistan Expatriate Co-operative Housing Society Ltd, through General Manager v. Lahore Development Authority through Director General Lahore and another* (2004 MLD 1388).

6. Mr. Faisal Siddique learned counsel representing the proposed Applicants/Interveners under permission of this Court has submitted that they are necessary party; therefore, they may be impleaded as Respondents in the present proceedings and has further argued their case on merits as well as maintainability supporting the opinion expressed by Mr. Noor Haq Qureshi, Advocate in his arguments. Mr. Jhamat Jethanand learned counsel for the Petitioners has objected to the request of Mr. Faisal Siddique. As the points have been raised on merits, and which the learned counsel for interveners too has addressed as such, we propose to decide merits of the case along with pending applications.

7. Syed Muhammad Saulat Rizvi, learned counsel for Managing Director SIDA has adopted the arguments of Mr. Noorul Haq Qureshi, learned counsel for respondents No.3 and 4, besides calling into question maintainability of the instant petition.

8. Mr. Allah Bachayo Soomro, learned Additional Advocate General, Sindh has assailed the maintainability of instant petition and argued that the Petitioners and others forcibly opened the closed outlet hence respondent No.5 wrote a letter to SHO PS Seri / Husri for lodgment of FIR but the police did not lodge the FIR; that unauthorized opening of Mallah Minor by the Petitioners and others has resulted into a breach in Akramwah, therefore, the same was closed by Petitioners and others. Again khatedars came and installed 3'ft dia unauthorized pipe at RD-80 L/Side of Akramwah on 24.5.2017 vide XEN Akramwah Canal vide No.119 dated 24.5.2017. He lastly prayed that the Petitioners have no case; the same may be rejected in the interest of justice and equitable distribution of water supply amongst all khatedars.

9. We have heard learned Counsels for the parties and perused the material available on record as well as case laws cited at bar.

10. First of all, we take up the issue of maintainability of instant petition under Article 199 of the Constitution, 1973. In our view, Article 9 of the Constitution

provides right to life, if a person is deprived of fundamental right, he can always approach this court by invoking Constitutional jurisdiction with a rider that such right is not hampered with any law. A right to irrigate Agricultural land is subject to irrigation law and the rules, this right however if infringed could be examined by this court, we therefore hold that the instant petition is maintainable.

11. On merits, we have noticed that the lands of Petitioners No. 1, 2, 6, 7, 8, 10 & 12 were settled on watercourse No.6AR Ex-Bilori Minor and the lands of Petitioners No.3, 4, 5, 9 & 11 were settled on watercourse No.7R Ex-Bilori Minor, being fed from command of Sukkur Barrage. These lands were at the tail end of said minor and hence were not getting adequate water supply. Upon representations of the petitioners and other Khatedars, Respondent No.1 granted irrigation water to their lands which were situated in Deh Bilori, Gujjan, Senhwar and Alini Taluka and District Hyderabad, from Kotri Barrage command, through Akramwah at RD-80. Resultantly an area of about 1556-0 acres was transferred from Sukkur Barrage Command to Kotri Barrage Command and the Superintendent Engineer, Left Bank Circle Hyderabad was directed accordingly by the Respondent No.1, who allowed construction of watercourse / pipe having dimension of 18" at RD-80, Akramwah vide letter dated 30.8.1977, which was later on redesigned/reduced due to shortage of water. The main purpose was to secure due share of water to the original Khatedars of District Badin and this was done at the cost of concerned Khatedars. It is further noted that for proper distribution of water to their lands through Mallah Shakh, which fed water courses No. 1-R, 1-AR, 2-R, 3-L, & 4-T and after its proper functioning in 1977-78, the old source of water supply to the lands of petitioners from Sukkur Barrage command was closed vide letter dated 17.2.1977. As such, since 1977-78 the Petitioners have been growing their crops through Mallah Shakh as their source. As per Petitioners, in 2003 Respondent No.3 passed orders dated 28.04.2003 and 24.05.2003 transferring the remaining land admeasuring 1256-00 acres settled on above said water courses 9L Bilori, 14-AR and 15-AR Ghotana and 7K Rahooki to Mallah Shakh, the predecessor of Petitioners being aggrieved by the same filed C.P. No. D-167 of 2003 before this court and upon notice to the parties, on 13.04.2004 Respondent No.4 made a statement in writing that the above said order was effective for one month only. In view of his statement, the aforesaid petition was disposed of. For convenience sake, an excerpt of the order dated 13.4.2004 is reproduced as under:-

"Respondent No.4 states that the two order dated 28.4.2003 & 24.5.2003 which are annexures E & G to this petition were only effective for one month and after expiry of that period they are no more in the field.

In view of this statement, Mr. Jhamat Jethanand learned counsel for the petitioner is satisfied and does not press this petition, which is accordingly disposed of.

Thereafter, as per claim of the Petitioners they have been continuously enjoying the water supply through Mallah Shakh without any interruption by the official respondents in the light of order dated 12.3.1977, an excerpt of the same is as under:-

“No.2/95-S.O(CP)/76, dated Karachi the 17<sup>th</sup> February, 1977.

Subject:- APPLICATION FROM PIR BUX AND OTHERS KHATEDARS OF BILORI TALL SUKKUR BARRAGE REQUESTING FOR TRANSFER OF AREA FROM SUKKUR TO LINED CHANNEL OF KOTRI BARRAGE.

Reference: - The letter No.S-151/3-100/76. IB-3/46, dated 4<sup>th</sup> January, 1977, em the C.E. Irrig: Sukkur.

The Government of Sind, has been pleased to grant the temporary supply of irrigation water from Akram wah for the area of 1556 acres settled on water courses as under:-

NO: OF N.C.	Channel	Total /Area Originally settled.	Area proposed for transfer	Balance to ....on the watercourses
6-AR	Bilori	502	502	Nil
7 R	Bilori	593	593	Nil
8 AL	Bilori	556	100	456
14 AR	Ghotano	319	96	223
15 R	Ghotano	374	13	361
17 L	Rahuki	468	252	216
	Total	2812	1556	1256

to the applicants, till the completion of Government pumping schemes, at the cost of the applicants and subject to all the formalities under the Irrigation Act.

Sd/-  
Section Officer (Operation-I)  
For Advisor (Tech :) & Addl: Chief  
Secy: to Govt: of Sindh.

It is the case of the petitioners that in the last week of April 2017 Respondent No.4 made an abortive attempt to interfere with the source of water supply of Petitioners from Mallah Shakh and threatened to close the same by force without assigning any reason, in order to accommodate the private individuals.

12. It appears from the record that the issue as raised in the present proceedings has already been settled by Honorable Supreme Court in its judgment dated 03.12.2013 passed in Constitution Petition No. 59 of 2013 reported in (2014 SCMR 353). A perusal of said decision shows that certain outlets were sanctioned in violation of law and in relaxation of the ban imposed by the Sindh Government vide letter No.2/687-S.O. (OP)/70-Vol-III, dated 2-1-1999. But, in the relaxation of the ban from time to time, outlets were sanctioned in favour of influential and interested persons, consequently, the lands of Khatedars situated at tail end were not getting water according to their share, as before reaching the tail, the entire water was consumed by upper riparian's. The Khatedars raised their voice of concern to

protect their rights. The Honorable Supreme Court took Suo-Moto notice and passed the order dated 03.12.2013. For convenience sake, an excerpt of the order is reproduced as under:-

**“In such view of the matter, we direct the Secretary, Irrigation that immediately he should take action to protect their interest. Here we deem it appropriate to reproduce operative part of the report of the learned District and Sessions Judge Badin dated 27-11-2013:- "It is further submitted that frames of the outlets were tampered and some were having repaired freshly. The type of the frames as sanctioned was 2" x 2" inches but after tampering; the same were found up to 1 to 2 feet width. It is further submitted that on 25-11-2013 the most of the outlets were closed and the Irrigation Officers informed that the same have been closed due to rotation; hence, the flow of water was found up to the sanctioned level and reached at the tail of Sangi Pharho/Regulator. It is further submitted that the outlet of Kamal Khan Chang crossed Pir Sakhi Minor. It is further submitted that again on 26-11-2013 the undersigned conducted the surprise visit of the site without accompanying the Irrigation Officers and found that most of the outlets were opened, hence, there was no pressure of flow of the water at the tail and it was not flowing at sanctioned level at the tail of Sangi Phraho. It is further submitted that if all the outlets remain opened, then the flow of the water will not reach at the tail of Naseer Branch. In this situation, the Zamindars of tail of Naseer Canal Branch cannot get the Irrigation water for cultivating their lands”**

13. The order passed by Honorable Supreme court resolves the issue, which is also subject matter of this petition.

14. Mr. Jhamat Jethanand learned Counsel took us through various provisions of Sindh Irrigation Act, and demonstrated that sanctioned watercourses were personal properties of individual landowners, who were required to construct and maintain them from their own resources in terms of Sindh Irrigation Act. Be that as it may, no authority has been conferred upon all these persons to utilize water more than their sanctioned share as per the share list, which the Irrigation Department shall ensure.

15. Further, we have noticed that Section 16 of Sindh Irrigation Act requires that any person with the permission of duly empowered Canal Officer may construct watercourse on land after obtaining consent of owners of the land. Under section 17 of the Act, land may even be acquired to enable a person to construct the watercourse to irrigate his land and it may also cause to be constructed by the Canal Officer; but all expenses have to be borne by the person applying for construction of watercourse. Any person desirous of obtaining the benefit of such watercourse may also apply for joint ownership thereof and upon paying his share in construction can be benefited. Section 21 of the Act, however, deals with rights and obligations of owners of watercourses and apart from requiring them to maintain them, confers upon such owners a right to have supply of water on such terms as prescribed in the relevant Rules.

16. A reading of above provisions shows that though receiving of water in terms of Section 21 is the right of petitioners, but it is subject to water sharing policy as discussed in the preceding paragraphs. Such right, however, would not be translated to mean depriving of other khatedars at tail end from their due share in the water. The water sharing policy has to be made on equitable distribution of water for benefits of all khatedars including those at the tail end of water source.

17. It appears from the record that lands of the Petitioners originally were settled at the command of Sukkur Barrage region, and were transferred to the channels of Kotri Barrage vide letter dated 17<sup>th</sup> February, 1977 and till date the same is the position. In all almost 2800 acres of land is being irrigated through such arrangement. Record does not reflect that the Petitioners and others if any, have made any representation for grant of irrigation water for such an area and only one Pir Bux Mallah along with other Khatedars had applied and Irrigation Department had granted temporary supply of irrigation water from Akramwah; but, later on it was declined by the Irrigation Department vide their letter dated 19.06.1999. An excerpt of the same is reproduced below:

**“Government of Sindh  
Irrigation and power department**

**No.7/2193-S.D(H&R)/99/4019, Karachi the 19-06-1999.**

**Subject:- TEMPORARY SUPPLY OF WATER FROM WATER COURSE AT R.D.BO.O AKRAM WAH.**

**Reference:- Your letter No.42/W-2/Gen:II-143/99/2231 dt: 3.6.1999.**

**I am directed to state that the request of applicant has been considered by the Department and rejected.**

**You are requested to take necessary action and inform all concerned accordingly under intimation to this Department immediately.**

**Sd/-  
Section Officer (OP:I)  
For Secretary to Government of Sindh.**

The aforesaid watercourse was constructed by Pir Bux Mallah and other khatedars, who obtained land on lease, initially temporary module with outlet of 18” pipe was allowed; but later on it was converted into orifice type module as RD.80.00 L/side of Akramwah vide No. DB/G-75/262 dated 07.02.1978 of Executive Engineer, Lined Channel Division Tando Muhammad Khan. The temporary sanction was lastly granted up to Rabi session-1981-82 and when the request for extension was made thereafter, it was finally rejected on 19.06.1999 as discussed in the preceding paragraph. The petitioners requested the then Minister for Irrigation and Power for regularization of Mallah Channel, but the same was not regularized. Mr. Jhamat

Jethanand argued that 1556 acres of land was discontinued from the command of Sukkur Barrage not only on the sole application of Pir Bux Mallah, but by all the khatedars of water courses of Billori, Ghotana, Rahoki minors, whose lands were transferred to Akramwah and the order dated 17.2.1977 is still in the field and has not been cancelled as agitated by the Respondents.

18. A perusal of record and consideration of contention of petitioners raised before us has persuaded us to believe that the issue involved in the present proceedings is distribution of water to the lands of genuine Khatedars of the concerned area in accordance with Sindh Irrigation Act through Akramwah, which is known as Phuleli Canal. Distribution of water according to its availability in equitable manner without discrimination to sanctioned channels in accordance with Sindh Irrigation Act is responsibility of Irrigation Department, Government of Sindh. We have noted that there are three (03) Barrages in Sindh Province viz. Guddu, Sukkur and Kotri, which provide required water to the lands in Sindh. The only issue as stated above is equitable distribution of irrigation water by the Irrigation Department. We expect that the official respondents to perform their duty in conformity with policy of equitable distribution of water and under the said cover, regular vigilance shall be made by them.

19. This petition has been filed against purported harassment, we would not travel beyond the prayer clauses and declare that irrigation department shall ensure right of each party to their water share. However, as discussed above, there are certain illegalities committed by the petitioners themselves in tampering with the module which was sanctioned in favour of Pir Bux Mallah in the year 1977. These illegalities shall be cured forthwith by the irrigation department.

20. Having observed such illegalities in distribution of water by the irrigation department as discussed supra, we do not see any enforceable right of the petitioners to receive water for irrigation beyond their claim. Besides this, the issues raised required factual enquiry which this court cannot attend to while exercising Constitutional jurisdiction. The irrigation law has provided mechanism to get the share coupled with that policy of the government. This court cannot substitute it.

21. From the scrutiny of relevant facts on record, the following inferences could be gathered;

i) That due to theft of water by the petitioners from Akramwah, the tail-enders are disturbed and the water supply to the their connection was temporary in nature, which was refused vide order dated 19.6.1999;

ii) That Chairman Left Bank Canals Area Water Board started Anti-Encroachment Operation, which included, inter-alia, the clearance of rights of Canal Area, removal of illegal encroachment and closing of all kinds of drains to and from the Canals. As a

result of which, 19 illegal and unauthorized pipe /outlets including of the petitioners were removed from both sides of Akramwah;

iii) That on 28.03.2017, the meeting of Left Bank Canals Area Water Board was held wherein it was disclosed that apart from the fact that the petitioners have illegally continued to use temporary supply of irrigation water even after their request for continuation of temporary supply was rejected in the year 1999 and that the petitioners have been illegally using 3 feet dia pipe carrying discharge of about 200 cusecs, irrigating around 40,000 acres instead of using sanctioned 4.51 cusecs discharge from 7 ½ inch dia/dimension pipe for irrigation of 1556 acres lands;

iv) That it was decided in the meeting that the aforementioned pipe being unauthorized and illegal needed to be removed immediately. Pursuant to the decision of aforementioned meeting, the Director Left Bank Canal informed the Secretary Irrigation Department through office letter dated 26.4.2017 that 19 unauthorized pipes on both sides of Akramwah from RD 04 to RD 112, including 3 feet dia pipe (locally known as Mallah Shakh/Mallah Minor) have been removed. But later on, the petitioners forcefully and illegally tried to open the closed outlet due to which the Director Left Bank Canals wrote a letter dated 15.05.2017 to the Deputy Commissioner Hyderabad informing him that the security of Canals and irrigation staff is at risk and immediate legal action be taken against the culprits; that 19 unauthorized pipe/outlets removed under Anti-Encroachment Operation, were reopened;

v) That the illegal construction of Mallah Shakh at Akramwah has adversely affected vested rights of the residents to uninterrupted water supply.

22. For the aforesaid conclusion, we do not see any merit in this petition which is dismissed alongwith pending application(s).

23. Before parting with this judgment, we direct the competent authority i.e. Respondent-department that the issue of supply of water to the lands of Petitioners shall be made as per their share after appropriate proceedings in case if the petitioners approach them. The compliance report shall be filed by the official Respondents with Additional Registrar of this Court within the stipulated period in regard to the distribution of water as per the share of the locality zamidars.

**JUDGE**

**JUDGE**

Karar\_hussain/PS\*