

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

CP No. D- 1456 of 2014

DATE

ORDER WITH SIGNATURE OF JUDGE

19.08.2020

For orders on Report

Petitioner Hidayatullah Dahri present in person  
Mr. Allah Bachayo Soomro, Addl.A.G.


It is noted that this Constitutional Petition was disposed of vide order dated 13.3.2019 with certain directions. For the sake of convenience it would be proper to reproduce the relevant portion of the order whereby this Petition was disposed of.

“We have seen that in para No.10 of the report the learned Judicial Magistrate has stated that at RD-5 a wide wall is built for the purpose of stopping the flow of water. The officials of the Irrigation Department have disclosed that on this very issue the appeal before learned Additional Sessions Judge, Naushahro Feroze is pending. However, they have admitted that yet no stay order has been granted by the Appeal Court in favour of the relevant Khatedar(s) who has filed the appeal and in view of such fact they have undertaken that they will act in accordance with law for removing the wall at RD-5. The report further shows that at RD-26, 28 & 35 water lifters and Jhattas were found available; at RD-40 illegal vanjhie and plastic bags filled with sand were available to stop the flow of water; and at RD-51 & 52 illegal vanjhie was available. The Irrigation officials have undertaken that within three (03) days they will remove all such structures and shall ensure constant flow of water to the lands of khatedars as per their entitlement and in accordance with law.

The Petitioner is satisfied and seeks disposal of his application in the above terms. Accordingly the listed application is disposed of in above terms. However, the officials present in the Court are directed to submit the compliance of above directions within fifteen (15) days and after such report is submitted it shall be fixed in Court for perusal.

In compliance of the said order the matter was referred to District and Sessions Judge, Shaheed Benazirabad who assigned the same to IInd Civil Judge & Judicial Magistrate, Daulatpur for Site Inspection / Visit and report. The report has been submitted by the said Magistrate which is available on record and copy whereof has been received by the Petitioner. We have

perused the report and come to the conclusion that no order further order is required in the matter. Office is therefore directed to consign this file to record.

  
19.8.2020  
JUDGE

  
JUDGE