

Order Sheet
IN THE HIGH COURT OF SINDH AT KARACHI
Constitutional Petition No.D-6168 of 2020

Date	Order with signature of the Judge
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For hearing of main case.

26.01.2021

Mr. Zakir Hussain Bughio, advocate for the petitioner.

Mr. Ali Safdar Depar, Assistant A.G. along with Raza Mian, DSP (Legal) and Hameed Ahmed Khan, DSP on behalf of DIG (Traffic).

Mr. Waleed Khanzada, advocate for KW&SB.

The petitioner has filed this petition, restraining respondents No.2 and 3 in respect of six official hydrants that the contractors shall take into account all the rules required to be adhered in respect of supplying water either to the general public or on commercial basis. Petitioner is not a successful bidder and the tenders in respect of all those hydrants have been awarded to individual contractors who have their independent tankers to cater the requirement in terms of the rules. The water to the general public is being supplied through an "app" on the basis of which requirement is being made, whereas the official supply is also being made through these contractors, hence the petitioner does not fit in insofar as the arguments of learned counsel for the petitioner that he has been deprived to fill the tanker from the concerned hydrant, is concerned, as he is neither a successful bidder nor a contractor to fill his independent and own tanker to supply the water according to his desire and demands. These contracts have been awarded to the contractors and the terms are required to be adhered by the contractors. However, Mr. Waleed Khanzada, learned counsel for KW&SB submits that all rules required in this regard are being implemented in the letter and spirit and in case KW&SB finds that any of their contractor is violating any rule including the requirement of the tanker in terms of capacity of tanker, it may also be adhered.

Before parting with this order, we have noticed that it is the basic duty of the Karachi Water & Sewerage Board to supply water to the citizens of Karachi. When Karachi Water & Sewerage Board was / is unable to meet the water needs of the city of Karachi, a water tanker mafia had sprung up in Karachi. During the argument, we have been informed that there is certain direction of the Hon'ble Supreme Court for the closing of illegal hydrants from Karachi city. Prima-facie, the Management of KW&SB has failed to remove illegal hydrants operating in the city despite Honorable Supreme Court directions. Moreover, the Honorable Supreme Court of Pakistan had directed the Management of KW&SB to focus upon their core operations to provide portable water

via a regular distribution network. Even, if hydrants are needed, there should be a rational and scientific study to evaluate the need for hydrant services in water-scarce areas. The hydrant services preferably should supply water to improvised population. On the aforesaid proposition, this Court has already settled the issue in the case of Muhammad Rafique Sia vs Province of Sindh and others, 2016 CLC 170. Besides that, the Hon'ble Supreme Court of Pakistan in HRC No.28963/2014 directed the respondents to take action against illegal and unauthorized hydrants.

This being the situation, we feel that no further interference is required and this petition is being disposed of with a direction to the KW&SB to adhere to their rules, which are being implemented by the individual contractors of different hydrants and see that no rules shall be violated.

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