

THE HIGH COURT OF SINDH,
CIRCUIT COURT, HYDERABAD

C.P No. D- 2557 of 2019

Before:

Mr. Justice Nadeem Akhtar

Mr. Justice Adnan-ul-Karim Memon

Petitioner. : Nemo for the petitioner.

Respondents. : Through Mr. Allah Bachayoo Soomro, Addl. Advocate General, Sindh along with Khuda Bux Sehwani C.M.O Kotri and Shujat Khan Office Superintendent M.C Kotri.

Date of hearing & decision. : 12.12.2019

ORDER

ADNAN-UL-KARIM MEMON, J:- Through this petition, petitioner has approached this Court for reconstruction of drainage system in the village of Ali Bux Khaskheli Taluka Kotri District Jamshoro.

2. At the very outset, this petition is not maintainable, in the light of findings of water commission.

3. Chief Municipal Officer, Municipal Committee Kotri present in person and states that there is no Drainage Scheme exists for the area of Village Ali Bux Khaskheli and Baba Mehmood Shah Colony. Ward-2, however the sewerage water of these villages gathered in an open ground beside the K.B. Feeder; that almost 6-8 months ago the irrigation department through Sub Divisional Officer served the notices to the illegal occupants / encroachers, who made their houses at K.B. Feeder around 150-200 feet, and most of them were forcibly evacuated and their houses were demolished with the help of police; that during this anti encroachment operation, irrigation department damaged the water supply line as well, which was got repaired by this office shortly, those inhabitants/encroachers have reallocated their houses from K.B. Feeder to Disposal Point at the place of stagnant disposal water and have blocked the natural flow as it was in early days, now this issue is causing improper disposal of drain water as well as started entering into the houses of Village Ali Bux Khaskheli and Baba Mehmood Shah Colony, including some of the houses of these encroachers, the District Administration is well conversant with all these issues, such news was published in Daily Kawish dated 9.11.2019; that the Public Health Engineering Department is the executing agency for these works/drainage scheme in this area, further maintenance and repair works are

also assigned to them with effect from 2-1-2019 in compliance of the order of Water Commission.

4. This being the position of the case, we reach to the conclusion that the petitioner has failed to make out his case for reconstruction of drainage system in the village of Ali Bux Khaskheli Taluka Kotri District Jamshoro. Consequently, the instant Petition is dismissed along with listed application(s). However, the petitioner may approach the Public Health Engineering Department for redressal of his grievances, who shall promptly act strictly in accordance with law.

JUDGE

JUDGE

Fahad Memon