

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C.P.No.D-6465 of 2020

Date Order with signature of Judge

Priority

- 1.For orders on CMA No.7047/2021
- 2.For orders on CMA No.7048/2021
- 3.For orders on CMA No.5817/2021
- 4.For hearing of CMA No.6792/2021
- 5.For hearing of CMA No.6793/2021
- 6.For hearing of CMA No.27772/2020
- 7.For hearing of main case.

08-03-2021

Mr.Ahmed Ali Hussain, Advocate for the Petitioner.
Syed Zaeem Hyder, Advocate for Respondent No.3
Ms.Noushaba Haque Solangi, Assistant Advocate General.
Mr.Habibullah, Executive Engineer, Jamrao Division,
Mirpurkhas is present.
Mr.Rafique Ahmed Kalwar, Advocate for the
Intervener/Applicant (Sindh Abadgar Board) (CMA
No.6792/2021)
Syed Mureed Ali Shah, Advocate for Intervener/Applicant
(Sindh Grower Alliance) (CMA No.7047/2021)

The order dated 20.01.2021 reflects that the respondent No.2 in their reply clearly stated that they have no objection if the GPR test is conducted at the cost of petitioner. In view of the clear reply of respondent No.2, we observed in our order that GPR test may be conducted at the cost of the petitioner, however, on 24.02.2021 the learned counsel for respondent No.3 submitted that unless the respondent No.2 renew or remobilize the service, the respondent No.3 cannot conduct GPR test. Again in our order we clearly called upon the Assistant Advocate General to ensure the conducting of GPR test as per earlier statement and Ms.Noushaba Haque Solangi, Assistant Advocate General undertook that the GPR test shall be conducted between 08.03.2021 to 30.03.2021 and report shall submitted in court.

After passing this order the Interveners (Sindh Abadgar Board & Sindh Grower Alliance) have approached this court and they stated in their applications that the Jamrao Canal is 60 miles long and only sweet drinking water source for human and livestock, which provides water to major cities, towns and for conducting GPR test it requires complete shutdown of the canal. The Jamrao Canal is currently watering standing crops i.e. wheat, mustard, orchards, onions, vegetables, fodders etc., which are already at the maturity stage, hence, shutting down the canal for GPR testing will damage the standing crops.

Mr.Habibullah, Executive Engineer, Jamrao Division, Mirpurkhas undertakes that there is no necessity to close the canal or shut down for conducting GPR test and this will be conducted without affecting or interfering the water flow. This statement is taken on record. The learned counsel for Interveners are satisfied. The learned Assistant Advocate General also supported this statement. In case of any additional expenses for GPR testing if any incurred due to non-blocking or not affecting the flow of water, the same shall also be borne by the petitioner. Mr.Habibullah, Executive Engineer is directed to submit the GPR test report in court within one month.

With the above order the applications (CMA No.7048/2021 & CMA No.6793/2021) are disposed of accordingly.

Adjourned to date in office.

Judge

Judge