

**Order Sheet**  
**IN THE HIGH COURT OF SINDH BENCH AT SUKKUR**

C. P. No. D – 1028 of 2021

**Before:**

Mr. Justice Muhammad Junaid Ghaffar

Mr. Justice Zulfiqar Ali Sangi

Date of Hearing: **28-09-2021**

Date of Decision: **28-09-2021**

Moulana Shahzado Dreho, the Petitioner present in person.

**ORDER**

**Muhammad Junaid Ghaffar, J.** – The Petitioner, who appears in person,

has filed this Petition seeking the following prayer:

“Declare that the respondents No.1&2 failed to compliance of order dated 23-11-2018 passed by learned 3<sup>rd</sup> JM Sukkur and grievance of the petitioner as well as general public in pipe line such act of the respondents No.1&2 are illegal and offensive nature liable for action.

Further declare despite direct by the learned 3<sup>rd</sup> JM Sukkur dated 23-11-2018 to the respondent No.3 but respondent No.3 is inaction and failed to taken action against the Municipal officials which are illegally using lacs of rupees per month in shape of maintenance of the drainage pumping station village Islamshaikh SITE area Sukkur, despite the drainage pumping station village Lalmashaikh is un-functional.

Further direct the respondents No.1&2 to re-start of disposal drainage pumping station village Lalmashaikh SITE area Sukkur forthwith may be neat and clean to village Lalmashaikh by the filthy drainage water.

Further direct the respondent No.3 to submit report regarding un-functional of the drainage pumping station village lalmashaikh & details regarding maintenance expenses using lacs of rupees per month over the drainage pumping station village lalmashaikh despite un-functional & after satisfaction take action accordance with law”.

The office has raised objection as to the maintainability of this Petition in view of the prayer hereinabove, which seeks implementation of

some orders passed by the Court of 3<sup>rd</sup> Civil Judge & Judicial Magistrate, Sukkur. Today, we have confronted the Petitioner who has not been able to satisfy us as to the maintainability of this Petition, despite his best efforts. Even otherwise, from perusal of the order of which the implementation is being sought, it appears that grievance of the Petitioner as a public interest litigant stands duly satisfied. We may observe that this Constitutional Court is not an executing court for the purposes of an order passed either by a Judicial Magistrate or for that matter any other Court. In fact, the appropriate remedy is by way of approaching the very Court who had passed an order in favor of the Petitioner. Once the Petitioner has exercised his option of availing any remedy in terms of the prevailing law (in terms of s.133 Criminal Procedure Code) from a Court of competent jurisdiction, and who has already passed an order, apparently in petitioner's favor; then approaching this Court under Article 199 of the Constitution for implementation and or execution of such an order is totally unwarranted and amounts to sheer wastage of precious time of this Court.

We had also given the Petitioner an option to withdraw the Petition, failing which, if finally, it is dismissed, cost(s) may be imposed and he has refused to exercise such option. On perusal of memo of petition as well as prayer clause, we are of the view that the petition is not only misconceived, but is an attempt to waste the precious time of this Court, therefore, this petition was dismissed by means of a short order in the earlier part of the day by imposing cost of Rs.2000/- to be deposited in the clinic fund of High Court, Sukkur and these are the reasons thereof.

J U D G E

J U D G E

Ahmad