

ORDER SHEET

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

C.P. No. D — 65 of 2007.

DATE	ORDER WITH SIGNATURE OF JUDGE[s]
<u>14.04.2022.</u>	

FOR ORDERS ON OFFICE OBJECTION.
FOR HEARING OF M.A. 239/2007.
FOR HEARING OF MAIN CASE.

Mr. Parkash Kumar, Advocate for petitioners.

Mr. Ashfaqe Nabi Kazi Assistant Attorney General for Pakistan.

Mr. Allah Bachayo Soomro Additional A.G. Sindh along with
Muhammad Ali Zardari Superintending Engineer RBOD and Zafar
Ahmed Khan Focal Person RBOD IInd Project.

We have heard the counsels at length and have also gone through the record. The petitioners in their wisdom had challenged the scheme as announced by the Government of Sindh.

Mr. Parkash Kumar learned counsel of the petitioner was of the view that once the PC-I was announced by the Government of Sindh over another piece of land then unless a certificate is issued by the Environmental Tribunal, such scheme cannot be altered or changed to another land viz-a-viz petitioners.

We are of the view that the petitioners does not enjoyed this right to oppose the policies and schemes of the Government of Sindh as and when announced unless those are based on malafide which is not the case of the petitioners here.

At the end of the conclusion of the argument petitioners' case came out as one where land is being utilized without any lawful proceedings such as land acquisition proceeding and in absence of a certificate which is required under the provisions of the Pakistan Environmental Protection Act 1997. Nobody stopped them form approaching the Tribunal in case it is essential for the respondents to obtain such certification from the Tribunal for the said

proponent. Hence, in these proceedings petitioners could not be able to achieve anything except that a challenge has been made to such scheme which is not within the domain and discretion of the petitioners to challenge. We, therefore, while disposing of this petition and as requested by the petitioners' counsel leave the petitioners at liberty to approach the Tribunal, which on receipt of such complaint, may pass appropriate orders as deemed fit and proper under circumstances and under the relevant laws.

The petition stands disposed of along with the listed application.

JUDGE

JUDGE

A.