

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

C.P. No.D-256 of 2013.

DATE	ORDER WITH SIGNATURE OF JUDGE
	For hearing of M.A. No.1474/2013. For hearing of M.A. No.1887/2013. For hearing of M.A. No.5593/2016. For hearing of main case.

08-12-2020

Mr. Nouman Jaffer and Mr. Muhammad Arshad S. Pathan advocates for the petitioners.
Mr. Allah Bachayo Soomro, Additional Advocate General Sindh.

Subject matter of this petition is the tender and bidding process for construction of shops around central jail Hyderabad. This petition was filed in the year 2013 in respect of alleged tender for construction of 12 shops around jail. Initially when this petition was taken up serious objections were raised regarding its maintainability and it was observed by the Bench that the action of the Superintendent Central Prison Hyderabad for handing over site around jail for construction of such shops was without sanction of law. There may have been some financial obligations incurred by the petitioner for initial construction but that was ordered to be settled between them. The question now left is whether the Superintendent, Central Prison Hyderabad was under any authority, power or obligation to issue such tender without sanction of law. Prima facie simple answer to this query is "No". There was no sanction of law or permission from any concerned ministry, nor there could be. Individually the Superintendent Central Prison Hyderabad should not have issued such tender for construction of alleged shops and that alone for the benefit of individuals on monthly basis. On 02.12.2020 we had summarized the facts about such actions as undertaken by the Superintendent, however, today Mr. Allah Bachayo Soomro, Additional Advocate General has made an attempt that he is not aware as to where the said Superintendent is. He has shown his ignorance if he is still serving or has gone elsewhere. We didn't appreciate such attempt of learned A.A.G. to save the

Superintendent from the clutches of the consequence of an unlawful action undertaken by him. The land around and in the vicinity of jail is a land which should be completely saved from inhabitation of all individuals and it should not have been subject matter of any tender for any commercial gain either for the department or for any individual.

We therefore, deem it appropriate to dismiss this petition with direction that the matter be referred to the NAB authorities for initiating proceedings against the Superintendent Central Prison Hyderabad namely Pir Shabbir Ahmed Jan Sarhandi who allegedly issued tender in respect of 12 shops which formed subject matter of this petition and also probe any other allotment of land forming part of jail.

The compliance report be filed within eight (08) weeks by the respondents for referring the matter to NAB authorities. A copy of this order be forwarded to NAB authorities.

This petition is dismissed in the above terms.

JUDGE

JUDGE

Irfan Ali