

**ORDER SHEET
IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR**

C.P.No. D- 252 of 2023

(Atta Hussain and others v. P.O Sindh and others)

Date of hearing	Order with signature of Judge.
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For Hearing (Priority)

- 1.For orders on office objections.
- 2.For hearing of CMA 1175/2023
- 3.For hearing of main case.

21-03-2023

Haji Shamsuddin Rajper, Advocate for the petitioners.
Mr. Mehboob Ali Wassan, Assistant A.G a/w Talib Hussain Khokhar,
Focal Person, Irrigation East Division, Khairpur, Ali Gohar Shar,
Assistant Executive Engineer, Asif Ali Abro, Darogha Beat Mossan Shah
and Shah Nawaz, Darogha Beat Sonu Wah.

Joint statement filed by respondents No.3 to 7 so also statements
filed by respondents No.8&9 are taken on record and copies whereof
are supplied to learned counsel for the petitioners.

Through instant petition, the petitioners seek the following
relief(s):

- A. Issue writ, prohibiting the respondents from cutting the state-owned Sheesham trees standing beside the Kobhri Minor, Setharja/Deparja, without due course of law.
- B. Grant stay, ceasing the unlawful cutting of the same trees and save the environment as well as the life of local *Fauna* and *Flora* as well as saving the local lands from Erosion, salination and water logging.
- C. To direct the Chief Engineer Sukkur Barrage, Sukkur to initiate inquiry and call report regarding all the natural trees which were standing beside various canals and to supervise their lawful.
- D. Direct the SSP Khairpur to call and inquire the police personnel involved in the matter and direct S.H.O P.S, Setharja not to aid in illegal cutting to trees”.

In response to notices, respondents No. 3 to 7 have filed their joint comments, which reflects that petitioners No.2&3 are habitual offenders. Against them, FIRs bearing crimes No. 43 of 2012 and 35 of 2022 were registered at P.S, Setharja. It also reflects that Sheesham trees were lying inside the Kobri Minor at RD No.32 and on 27.01.2023 at night hours, the petitioners in association with other culprits cut down the Sheesham trees and took away the same on Rickshaw/Chungchi and for registration of FIR in respect of such offence of theft, a letter dated 08.02.2023 has been written to SHO, P.S, Setharja, but police did not lodge any FIR nor cooperate with the Irrigation Department.

Learned counsel for the petitioners has not denied the fact that the aforementioned two FIRs are registered against the petitioners. On the contrary, he admits that such facts have not been mentioned in the instant petition, which shows that the petitioners have, in fact, not come in Court with clean hands. Hence, this petition is **dismissed** along with listed application with no order as to costs.

JUDGE

JUDGE

Ahmad