

**IN THE HIGH COURT OF SINDH,
AT KARACHI**

C. P. No. D-669 of 2020

Present:

Ahmed Ali M. Shaikh, CJ
and Yousuf Ali Sayeed, J

Petitioner : Abu Bakar Kolachi through Talha Abbasi, Advocate.

Respondent No.1 : Province of Sindh through Chief Secretary, Sindh.

Respondent No.2. : The Secretary, Irrigation Department.

Respondent No.3. : The Secretary, Finance Department.

Respondent No.4. : The Additional Secretary, Irrigation Department.

Respondent No.5. : The Deputy Secretary, Planning and Development, Irrigation Department.

Respondent No.6. : The Section Officer, B & A, Irrigation Department.

Respondent No.7. : The Section Officer Legal, Irrigation Department.

Respondent No.8. : The Section Officer, (B & E-VI), Finance Department.
Through Shahryar Mahar,
Additional Advocate General,
Sindh.

Respondent No.9. : Kamran Ali Jalbani in person.

Date of hearing : 06.02.2023.

ORDER

YOUSUF ALI SAYEED, J. - The petitioner professes to be a conscious citizen, privy to an alleged attempt by the official Respondents to release tens of millions of rupees to the private Respondent No. 9 for what are said to fictional works that exist only on paper.

2. It is said that the Respondent No.9 had filed CP No. D-2362/2019 before this Court, seeking release of a sum of PKR 92,156,307/- as the amount remaining payable against certain works allegedly performed by him, with it being averred that such Petition was a collusive exercise, meant to secure suitable orders for release of that amount. It is alleged that whilst the aforesaid Petition has since been dismissed, some of the official Respondents are attempting to favour the Respondent No.9, although it having clearly been mentioned in a report that no tender was ever issued for the works in respect of which the claim has been submitted. It is said that the release of such an amount would cause serious loss to the public exchequer, with it thus being prayed *inter alia* that the official Respondents be directed to produce the entire record of procurements for scrutiny by this Court, which may then be declared a collusive exercise with the official Respondents being restrained from releasing any amount to the Respondent No.9.

3. On the other hand, the Learned Additional Advocate General, Sindh, while assailing the maintainability of the Petition, submits with reference to the comments submitted by the Irrigation Department, Government of Sindh that only such claims of the Respondent No.9 that have been fully verified as being completely authentic would be processed for payment.

4. Under the given circumstances, we see no cause for interference by this Court, especially where the grievance of the Petitioner is purely anticipatory. Needless to say, if any act is committed so as to fall within the realm of corruption or an illegal practice, the Petitioner would be at liberty to approach the concerned anti-graft agency along with the relevant material in that regard.

5. The Petition stands dismissed in the foregoing terms.

JUDGE

CHIEF JUSTICE