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02/08/2011
P-1-6/8/11

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Constitutional Petition No:D-²²⁴¹ of 2011.

Lal Khan S/o Imam Bux , Bugti by caste,
Muslim, Adult, Govt: Contractor, r/o Ward No: 7,
Aga Badaruddin Colony New Pind Sukkur.Petitioner.

VERSUS

1. , Province of Sindh Through Secretary Works and
Services, Sindh Secretariat Karachi.
2. District Officer Roads and Transport Sukkur.
3. Deputy District Officer Roads and Transport Rohri.Respondents.

**CONSTITUTIONAL PETITION UNDER ARTICLE 199 OF THE ISLAMIC
REPUBLIC OF PAKISTAN 1973,**

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THE HIGH COURT OF SINDH BENCH AT SUKKUR

Const. Petition No. D-2241 of 2011.

For katcha peshi.

21st November, 2012.

Mr. Rehmatullah Mangnejo Advocate for the Petitioner.
Mr. Liaquat Ali Shar, Additional A.G a/w Shoukat Ali Jatoi, Highways,
Rohri.

Through this constitution petition, the petitioner has prayed as under:

“ a. To declare the act of the respondents No. 2&3 is illegal, without any lawful justification while not to measure and prepare the bill of the petitioner since long.

b. To direct the respondents No.2&3 to measure the work done by the petitioner, prepare the bill and pay the same to the petitioner and impose heavy penalty upon respondents No.2&3, in favour of petitioner due to their ignorance and negligence.

c. To award the cost of petition.

d. To grant any other relief which this Hon'ble Court deems fit and proper under the facts and circumstances of the case”.

2. Grievance of the petitioner is that he was awarded work order for construction of road leading from Subhanpur-Pedaish Shah to Aroohar and though he has completed the work, but respondents are reluctant to make over the payment.

3. Respondents No.2&3 filed their comments, wherein they have denied the allegations leveled by the petitioner. They further submitted that the payment has been made to the petitioner to the extent of work undertaken by him, while rest of the work has been stopped due to non

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availability of funds. However, learned counsel for the petitioner insists that the petitioner has completed the work.

4. From the above circumstances, it appears that the factual controversy is involved in this petition and such controversy cannot be resolved through writ petition. Besides above, through this petition petitioner seeks enforcement of contractual obligations. Therefore, we are of the considered view that the petition being devoid of merits, is not maintainable and same is dismissed accordingly. However, petitioner is at liberty to approach the civil court for redressal of his grievance, if so advised.


JUDGE
JUDGE

Ahmad