

ORDER-SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT LARKANA

Constt. Petition No. D- 756 of 2017.

Date of hearing	Order with signature of Judge
11.01.2018.	

1. For orders on office objections.
2. For hearing of main case.

Petitioner in person.

Mr. Ashfaq Hussain Abro, Advocate for respondent No.2 alongwith Town Officer, TMA Madeji.

Mr. Abdul Rasheed Soomro, State Counsel alongwith Mukhtiarkar Garhi Yasin.

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We have heard the parties at some length. Record reflects that petitioner had earlier filed a Constt. Petition No. D- 2164/2010 on the same cause of action, which was disposed of by this Court vide Order dated 10.05.2017, wherein it is observed that grievance of the petitioner has been redressed by constructing "C" type main "Nala" having length of 1300 feet and currently the drainage water is not floating in the land of the petitioner. This fact was confirmed by the petitioner, which is also noted in the said order. Thereafter, on account of some purported non compliance, the petitioner filed a Civil Petition No.342-K/2017 before Hon'ble Supreme Court, which was disposed of vide order dated 07.7.2017 with the observations that if the petitioner has any grievance, he could come before this Court and his above civil petition was dismissed.

The petitioner has agitated that only as short term measure the "C" type main "Nala" has been constructed, on which a lift machine has been installed by the respondent No.2 viz. Town Officer, TMA Madeji to lift drainage water from his land. But he is apprehending that in case the lift machine is removed, his land will become inundated with effluent and rendered useless. In reply, the Town Officer, TMA Madeji has undertaken that although this arrangement is temporary in nature, but they have no intention to remove the lift machine, which shall continue to be operating till PC-I, which has been floated for the long term measure i.e. construction





of pumping station to address issue of the drainage water is approved. This statement has satisfied the petitioner.

In regard to prayer clause –“b”, which is to award compensation to petitioner for the period in which his land remained barren, suffice it to say, that this issue requiring evidence cannot be decided under the constitutional jurisdiction. In the said backdrop, the petitionr has made a statement before us that for the relief of compensation and damages, etc. he would be availing an appropriate remedy in accordance with law.

This petition in terms of above stands disposed of.

  
JUDGE

  
JUDGE 11/01/2018

Ansari/\*