

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

Constt. Petition No.D- 676 of 2017.

(Zubair Ahmed v. Chairman, District Council Larkana & Ors)

DATE OF HEARING	ORDER WITH SIGNATURE OF HON'BLE JUDGE
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BEFORE:

Mr. Justice Muhammad Saleem Jessar.

Mr. Justice Adnan-ul-Karim Memon.

Date of hearing and Order : 13.03.2025.

Petitioner is present in person.

Mr. Liaquat Ali Shar, A.A.G assisted by Mr. Aftab Ahmed Bhutto,
Asstt: A.G. a/w Aijaz Ahmed Leghari, Chairman District Council,
Larkana.

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ORDER

Adnan-ul-Karim Memon, I- The Petitioner requests that this Court direct the Respondents to restore the Katchi Sarak leading to the Petitioner's village via Wada Longai to its original condition by filling the ditch (measuring 200 square feet) created by the Private Respondents, and repair the Kanga Minor to its original dimensions as depicted on the official map; and direct the Official Respondents to maintain the branch watercourse of the Kanga Minor, located between Survey Numbers 681 and 639, in its original state.

2. The Petitioner's village is accessed by a single Katchi Sarak bordering the Kanga Minor, which runs through the Private Respondent's village (Wada Longai). The Private Respondents, Ayaz Hussain, and others, intentionally damaged the Sarak and Kanga Minor by creating a 200 sq ft ditch, altering the Minor's dimensions and watercourse between Survey Nos. 681 and 639, causing hardship to the Petitioner and other villagers. The Petitioner's prior Constitutional Petition (D-896/2013) was dismissed, directing him to seek redress from the relevant authorities. Despite applications to the Chairman District Council Larkana (Respondent 1) and the Executive Engineer Irrigation Rice Canal Larkana (Respondent 4), and an undertaking by Ayaz Hussain to repair the Sarak, no action has been taken due to the Private Respondents' political influence. Finding no other remedy, the Petitioner files this petition seeking restoration of the Katchi Sarak and Kanga Minor to their original condition, as mandated by the Sindh Irrigation Act 1879. This petition is filed

as the previous petition's direction to seek redress from the appropriate authorities has been ignored.

3. The Respondents submit that the Petitioner lacks a valid cause of action to file this petition. The Petitioner has deliberately withheld material facts from this Court in an attempt to obtain undue favor. Therefore, this petition is not maintainable and should be dismissed with special costs, in the interest of justice. The Respondent further submits that the Petitioner's claim of a Katchi Sarak at the site is false. A metalled road has been present for the past twelve years, constructed by the Roads Department. The Respondent vehemently denies all allegations made by the Petitioner. Specifically, the allegation of a 200 sq ft ditch is entirely false. There is no Katchi Sarak at the site, and the existing metalled road negates any claim of hardship to villagers. Further, the Respondent asserts that the Petitioner repeatedly files frivolous petitions and complaints, engaging in vexatious litigation with malicious intent. Therefore, any inquiry into these baseless allegations is unwarranted.

4. The SDPO's report confirms that Ayaz Ali Abbasi owns the pre-existing ravine, used by villagers for livestock. Separate access roads exist for Wada Loangaai and Nadha Loangaai. Abbasi pledged road widening and tree planting. The report notes ongoing disputes, but no law and order issues.

5. The Petitioner previously filed a petition requesting Sarak repairs for Nandha Loungai, claiming Private Respondent damage. This petition was dismissed for lack of exhaustion of administrative remedies. The court directed the Petitioner to first approach the appropriate authorities, allowing for a new petition if grievances remain unresolved.

6. The Deputy Commissioner is required to prioritize this issue and resolve it at the administrative level by hearing all parties within one month.

7. This petition stands disposed of in the above terms.

JUDGE

JUDGE
12/02/2015