

**IN HIGH COURT OF SINDH, CIRCUIT COURT
MIRPURKHAS**

C.P No. D-854 of 2024

[Muhammad Meenhal v. Province of Sindh & Others]

Before:
Mr. Justice Arbab Ali Hakro
Mr. Justice Riazat Ali Sahar

Petitioner : Muhammad Meenhal through
Mr.Wishan Das Kolhi, Advocate.

Respondents : Province of Sindh and 9 others
through Mr. Muhammad Sharif
Solangi, Assistant A.G. Sindh along
with Naeem Hussain Kalhoro,
Assistant Engineer, Public Health
Engineering.

Date of Hearing : **14.05.2025**

Date of Decision : **14.05.2025**

JUDGMENT

RIAZAT ALI SAHAR.J.- Through this petition, the petitioner
is seeking following reliefs:-:-

- a. That this Honourable court issue directions to the respondents No.1 to 7 to provide drinking water at the village of petitioner mentioned above.*
- b. That this Honourable Court also issue directions to the respondents No.7 to 10 to provide road to the village of the petitioner.*
- c. That this Honourable Court also issue directions to provide Dispensary and Community hall in the village of the petitioner.*
- d. Tat this Honourable Court also issue directions to provide GPBS Piaro Rind Kachrio repairing Boundary Wall, bathroom latrine and solar system in eh village of petitioner.*
- e. Any other relief which this Honourable Court deems fit and proper.*

2. In the instant petition, the petitioner has stated that he is a resident of Village Rajo Khan Rind, U.C. Thar Hameer, Kantio, Taluka Chachro, District Tharparkar @ Mithi, his village, along with approximately 22 surrounding villages, is completely deprived of basic amenities, including drinking water, road infrastructure, dispensary, community hall, sanitation facilities and other essential services. The residents, including women, children, and elderly, are compelled to fetch drinking water from sources located approximately 10 kilometers away and no water is available for animals, causing severe hardship. In response to this dire situation, the petitioner and other villagers approached the Deputy Commissioner and the Honourable Chief Minister of Sindh, who assured that a dedicated pipeline, would be installed to supply drinking water to the petitioner's village. The proposed water supply was to originate from Cheel Bund Kantio through Pumping Station Pata 7 K.M., where a 25,000-gallon water tank had already been constructed. According to petitioner, the installation of a pipeline connecting this water tank to the petitioner's village would ensure the provision of drinking water. He further stated that despite clear directions and correspondence from relevant authorities, including a letter dated 17.05.2018 from the Chief Engineer, Public Health Engineering Department, Hyderabad, referring to the directive of the Chief Minister Sindh to provide water facilities to the village; letter dated 16.01.2018 from the Executive Engineer, Public Health Engineering Division Tharparkar, instructing the preparation of feasibility report (PC-I) for the scheme; and a letter dated 18.08.2023 from the Chief Officer, District Council Tharparkar, for provision of water through solar submersible pump and pipeline from Cheel Bund Kantio to Pumping Station Pata 7 K.M. to the petitioner's village, no concrete steps have been taken by Respondents No.5 and 6, who have failed to perform their legal duty to implement the scheme. Furthermore, other basic facilities such as repair and boundary wall of GBPS Piaro Rind, toilets, bathrooms and solar

energy system seems Code No. 406010357 are also lacking in the area, despite multiple representations made by the petitioner to the authorities, including the Deputy Commissioner. The inaction of the respondents has caused continued deprivation and hardship to the residents of the area.

3. Pursuant to notice issued by this Court, Respondents No.5 and 6 have filed their respective comments. Respondent No.5 stated that the petitioner's village comprises approximately 40 households with a population of 200 to 250 people. The villagers fetch water from a water supply point located near Village Pata, which is about 7 to 8 kilometers away. For medical needs, the residents rely on the Government Dispensary at Village Dabhi Sultan, situated at a distance of 8 to 10 kilometers. He confirmed that no road or community hall exists in the petitioner's village; however, a one-room primary school building is available. Respondent No.6 submitted that the Public Health Engineering Division Mithi has already prepared and submitted a PC-I to the Planning & Development Department, Government of Sindh, for approval. The proposed scheme includes a submersible pump facility for the petitioner's village, intended to provide groundwater for general use, though not suitable for drinking. Respondent No.6 further stated that, should this Court so direct, his office is willing to prepare a separate PC-I for a drinking water supply scheme from the point proposed by the petitioner. However, since the proposed water supply point is operated by the Pakistan Army, obtaining a No Objection Certificate (NOC) from the Army is a prerequisite. Upon receipt of the NOC, the department will prepare and submit the PC-I to the relevant authorities for approval, funding, and implementation, and will ensure inclusion of other necessary facilities.

4. We have heard the learned counsel for the petitioner as well as learned A.A.G. Sindh and carefully examined the entire record available on file.

5. Perusal of the order dated 26.02.2025 passed by this Court reveals that the learned Assistant Advocate General, Sindh stated that the PC-I of the scheme had been approved and the matter was then pending for administrative approval, after which tenders would be issued. Accordingly, the official respondents were directed to complete the entire exercise within 60 days. Further, the order dated 16.04.2025 reflects that 'administrative approval' has since been accorded by the Government of Sindh and the matter is now pending for finalization of the cost estimates.

6. The relief sought by the petitioner pertains primarily to the provision of basic infrastructure and amenities such as drinking water, road access, healthcare and educational facilities in his village and surrounding areas. While the Court acknowledges the legitimate concerns of the petitioner and the affected villagers, it must also be kept in view that the matters raised in the petition largely fall within the administrative domain of the concerned departments. The constitutional rights of citizens especially their right to live with safety and dignity under Articles 9 and 14 of the Constitution must not be ignored when they are being deprived of basic needs. From the record, it appears that the petitioner had approached the relevant authorities, including the Deputy Commissioner and the Chief Minister and the matter was taken up by the **Public Health Engineering Department**, which led to preparation and approval of PC-I and subsequently to the accord of administrative approval, as recorded in orders dated 26.02.2025 and 16.04.2025. These developments signify that the government is cognizant of the issue and has taken steps towards addressing it. Furthermore, Respondent No.6 has categorically stated in his comments that a separate PC-I for provision of sweet drinking water can be prepared, subject to the issuance of a No Objection Certificate (NOC) by the Pakistan Army, as the proposed water source is under its control. The learned A.A.G. Sindh also assured this

Court that the remaining formalities, including finalization of estimates and issuance of tenders, are in process.

7. In view of the above and keeping in view the commitments made by the official respondents, this petition is being disposed of with the direction that the concerned departments shall proceed in accordance with law and fulfill their stated undertakings by completing the necessary administrative formalities, including finalization of estimates, tender process and execution of the scheme, preferably within the period of sixty (60) days, subject to availability of funds and necessary clearances. The respondents are further directed to ensure that the rights of the petitioner and residents of the area are safeguarded and that no undue delay, is caused in implementation of the project, keeping in view the compelling need for provision of drinking water and essential infrastructure in the area.

8. With these directions, the instant petition stands **disposed of** accordingly.

JUDGE

JUDGE

Abdullahchanna/PS