

IN HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD

C.P No. D-686 of 2025

[Saleemullah Khan v. Province of Sindh & Others]

Before:

Mr. Justice Arbab Ali Hakro

Mr. Justice Riazat Ali Sahar

Petitioner : Saleemullah Khan through
Mr.Shazeel Ali Memon, Advocate.

Respondents : Nil.

Date of Hearing : 15.05.2025

Date of Decision : 15.05.2025

JUDGMENT

RIAZAT ALI SAHAR.J., Through this petition, the petitioner

is seeking following reliefs:-

- A. That this Honourable Court may be pleased to constitute a Judicial Inquiry related to the water supply and drainage schemes mentioned in paragraph No.4 as well as water supply and drainage schemes in the rural areas of Tando Muhammad Khan that since 1995 how much funds illegally has been issue by the respondent No.7 and 8 and how many schemes are being demolished and its scrap has been sold till date and how many schemes are illegally occupied by the unknown persons further to reveal the names of the contractor companies and their owners to whom illegal tenders have been given and reveal the names of other persons who have been illegal beneficiaries to usurp the Public funds directly and in-directly.*
- B. That this Honourable Court may be pleased to direct the respondent No.1 to 3 to take strict action against the respondent No.7 and 8 and may be terminated from service further legal action must be taken against them.*
- C. That this Honourable Court may be pleased to direct respondent No.1 to 3 to take legal action against the respondent No.9 to 10 as well as against those who have usurped the public funds since 1995 in the names*

of above mentioned water supply and drainage schemes of rural areas of Tando Muhammad Khan.

D. Tat this Honourable Court may be pleased to direct the respondent No.1 to 3 to vacant all the above mentioned water supply and drainage schemes situated in the rural areas of District Tando Muhammad Khan from the illegal occupants as well to Complete/Re-Construct/Active all the above mentioned Water supply and Drainage Schemes as well as All other water supply and drainage schemes situated in the rural areas of District Tando Muhammad Khan.

E. Costs of the petition may be saddled upon the respondents.

F. Any other relief(s) which this Honourable Court deems fit, just and proper in favour of the petitioner may be granted.

2. In the instant petition, the petitioner seeks the constitution of a judicial inquiry into the water supply, drainage schemes and other rural development schemes in District Tando Muhammad Khan in order to ascertain: (i) the extent of public funds illegally issued since 1995; (ii) the number of schemes that have been demolished and the manner in which their scrap was disposed of; (iii) the schemes that have been illegally occupied by unknown persons; (iv) the names of contractors and companies who were illegally awarded tenders; and (v) the identification of individuals who unlawfully benefitted from public funds, whether directly or indirectly. The petitioner further seeks departmental and legal action, including termination from service, against Respondents No.7 and 8 for their alleged involvement in the misappropriation of public funds and corrupt practices. He also prays for appropriate legal action against Respondents No.9 and 10 as well as against all other persons who have allegedly embezzled public funds allocated for water supply and drainage schemes since 1995. In addition, the petitioner prays to direct the relevant authorities to evict illegal occupants from the affected water supply and drainage schemes and to ensure the completion,

reconstruction, or reactivation of all such schemes situated in the rural areas of District Tando Muhammad Khan.

3. We have carefully examined the entire record available on file and have specifically queried to the learned counsel for the petitioner regarding the maintainability of the instant petition. In particular, the learned counsel was asked to satisfy this Court as to how a judicial inquiry could be ordered by this Court in respect of a matter that clearly falls within the administrative domain of the concerned executive department. The allegations levelled by the petitioner relate to alleged financial irregularities, misappropriation of public funds, unlawful occupation of government property and mismanagement of public schemes, all of which, in the first instance, are matters for internal departmental scrutiny and accountability through the mechanisms already provided under the law. It was further pointed out to the learned counsel that the petitioner has an adequate and alternate remedy available by first approaching the competent authority of the Irrigation and Public Health Engineering Departments, or any other relevant government, for redressal of grievances. We have also emphasized that without first exhausting the available statutory or administrative remedies, the petitioner cannot directly invoke the extraordinary constitutional jurisdiction of this Court under Article 199 of the Constitution. The learned counsel, however, failed to provide any cogent justification for the bypassing of such remedies or any compelling reason as to why the matter could not be resolved within the existing administrative or departmental framework.

4. We have also observed that it is not within the judicial domain to order a full-fledged inquiry in matters that primarily require factual determination through evidence, administrative review, and departmental proceedings. Allowing such petitions without exhausting alternate remedies would amount to discouragement the purpose and efficacy of institutional accountability mechanisms and would

unnecessarily burden the constitutional jurisdiction of this Court, which is meant to be invoked in exceptional circumstances involving infringement of fundamental rights or failure of public duty, which have not been convincingly demonstrated in this case.

5. In view of the above discussion, we are of the firm view that the instant petition is not maintainable at this stage and suffers from prematurity. No exceptional circumstance or violation of any enforceable fundamental right has been made out to justify the invocation of the constitutional jurisdiction of this Court. Accordingly, the petition is found to be misconceived and is hereby **dismissed in *limine*** along with listed applications.

JUDGE

JUDGE

Abdullahchanna/PS