

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Constitution Petition No.D-321 of 2025

Before:

*Mr. Justice Zulfiqar Ali Sangi;
Mr. Justice Abdul Hamid Bhurgri.*

Petitioner : Shah Muhammad son of Sher Muhammad, in person.

Respondents : Province of Sindh and others, through Mr. Zulfiqar Ali Naich, Assistant Advocate General Sindh Mr. Khalil Ahmed Maitlo, Deputy Prosecutor General for State.

Date of Hearing: 13.05.2025.
Date of Order. .05.2025.

ORDER

Abdul Hamid Bhurgri, J.- Through this petition, the petitioner seeks following reliefs:-

- (a) *To direct the official respondents to restore the police picket Hussain Abad Panhwar Mohalla forthwith, as it was old one and established for the safety of petitioner party, as the life of petitioner and his family members are in danger from the criminal type persons, because they want to cause loss to the life of petitioner party.*
- (b) *To grant any other equitable relief, which this Honourable Court deems fit and proper in the circumstances of the case.*

2. The petitioner has filed this Constitution Petition seeking a direction for restoration of a police picket allegedly established at his village. It is claimed that the said picket was previously functional but has since been removed without lawful jurisdiction, thereby exposing the petitioner and his family members to threats.

3. The petitioner argued that he along with his family members are facing serious threats from influential elements and that the earlier established police picket ensured his safety. In support, he placed on record certain documents reflects that police official had been deployed for his protection. However, no formal notification or administrative order

showing the establishment of police picket at the relevant location has been placed on record.

4. Comments filed by the official respondents categorically denied that any police picket was ever sanctioned or established at the petitioner's village. It is stated that a police official was once temporarily assigned for the petitioner's personal security based on specific threats, which does not equate to the establishment of permanent or semi-permanent police picket.

5. The question for determination is whether, in the absence of any prior official order establishing a picket, the petitioner is entitled to seek its restoration through this petition.

6. It is a settled principle of Constitutional jurisprudence that the matters relating to law and order, including the establishment or withdrawal of police pickets, fall within the domain of the executive, specially the police department, which is based place to assist security needs and allocate resources accordingly. Courts cannot substitute their judgment for that of the competent authority in such administrative decision unless there is clear violation of law or constitutional rights. In the present case, no documentary evidence has been provided to prove the establishment of a police picket through a valid order. The petitioner's assertion that the picket was once operative is unsupported by any official record, and thus, there is no enforceable right for restoration of a picket which was never formally established.

7. However, this Court is conscious of the fact that under Article 9 of the Constitution of Islamic Republic of Pakistan, 1973, the State is duty bound to protect the life and liberty of its citizens. If the petitioner is facing genuine and specific threats he may approach the concerned district police officers or competent authority, who shall assess his request for personal protection in accordance with law and prevailing threats assessment protocols in light of petitioner's security needs.

8. Accordingly this petition is disposed of in above terms.

Judge

Judge