

HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

CP No. D- 1987 of 2025

[Peeral Majeedano v. Province of Sindh & Others]

BEFORE:

MR. JUSTICE ADNAN-UL-KARIM MEMON
MR. JUSTICE RIAZAT ALI SAHAR

Petitioner : In person

Respondents : Syed Shahzad Ali Shah, Advocate for HMC

Mr. Rafiq Ahmed Dahri, Asstt: A.G.

Date of hearing:
& Decision: 25.11.2025

ORDER

ADNAN-UL-KARIM MEMON, J. - Through instant Constitutional Petition, the Petitioner has prayed as under:-

- i. Issue writ in the nature of Mandamus, directing the respondents, their agents, and subordinates to immediately:
 - a. Formulate, fund, and implement a comprehensive, time-bound, and scientifically sound Provincial Action Plan for dengue prevention and control, encompassing systematic surveillance, public awareness, larval source reduction (elimination of breeding sites), and adult mosquito control through regular and widespread spraying in all urban and peri-urban areas.
 - b. Establish a transparent, publicly accessible dashboard reporting on dengue cases, preventive actions taken, and funds utilized.
 - c. Submit a monthly compliance report, on affidavit, before the Registrar of this Honourable Court for independent scrutiny.
- ii. Issue a writ in the nature of direction, commanding the Respondents to constitute a transparent and independent mechanism to identify the families who have lost a member to dengue fever attributable to the state's negligence and to pay compensation of Rs.5,000,000 (Five Million Rupees) to each such bereaved family as a measure of restorative justice and acknowledgment of the state's constitutional failure.

2. The petitioner is an advocate, has filed this Constitutional Petition pro bono publico, raising an issue of public importance concerning the threat to citizens' life, health, and dignity caused by the respondents' failure to prevent the spread of dengue fever. He asserts that the respondents, being public authorities are constitutionally obliged to safeguard the lives and well-being of the people. He submitted that Dengue, a preventable vector-borne disease, can be controlled through timely state action such as public awareness campaigns, removal of stagnant water, and regular fumigation.

However, due to the respondents' inaction, neglect and lack of a coherent strategy particularly in Hyderabad Division breeding sites remain unaddressed even after the monsoon season, creating conditions conducive to an outbreak. The resulting epidemic has caused numerous fatalities, including the death of an advocate's son. The petitioner contends that this failure amounts to violation of the fundamental right to life under Article 9 of the Constitution, which the Supreme Court has interpreted to include all elements that make life meaningful. He also argues that the failure to ensure a safe environment infringes Article 14, as living under constant threat of a deadly yet preventable disease undermines human dignity. As a member of the public whose own life and health are endangered, the petitioner claims to be an "aggrieved person" under Article 199, and having no alternate remedy, he has filed the present petition.

3. Learned counsel for the respondent submitted that they have taken all precautionary measures in this regard to prevent this outbreak of Dengue, as such, the purpose of filing this petition is served and liable to be dismissed.

4. After hearing the parties and examining the material placed on record, it is evident that the petitioner has raised an issue of undeniable public significance. Dengue fever is a preventable vector-borne disease, and its recurring outbreaks, particularly within the Hyderabad Division, reflect systemic gaps in surveillance, sanitation, and coordinated public-health response.

5. The constitutional mandate under Articles 9 and 14 obligates the State to safeguard the life, health, dignity, and security of its citizens. These obligations are not aspirational but enforceable, and failure to take timely preventive measures against a known and unavoidable public-health threat amounts to a violation of these fundamental rights. The respondents have stated that precautionary measures have been taken; however, the persistent and increasing number of cases, the presence of stagnant water bodies, inadequate fumigation and lack of uniform monitoring mechanism reveal that such measures have been insufficient, unstructured and reactive, rather than proactive and preventive. Public health cannot depend on sporadic or ad-hoc responses; it requires a coherent, science-based and time-bound institutional framework.

6. In such circumstances, this Court finds it necessary to issue directions to ensure protection of the public at large and to prevent recurrence of such outbreaks. Although the relief relating to compensation involves factual and evidentiary inquiries not suitable for determination in writ jurisdiction, the remaining prayers seeking preventive and administrative measures fall squarely within the scope of Article 199 of the Constitution to enforce fundamental rights. Accordingly, while this Court refrains from issuing mandatory compensation orders, the petition is disposed of with the following directions to Respondents No. 1 to 5:

a. The Respondents shall formulate and implement a comprehensive Provincial Action Plan for dengue prevention and control, incorporating:

- (i) Continuous larval surveillance and elimination of breeding sites;
 - (ii) Scheduled fumigation / adult mosquito control in all urban and peri-urban areas of Hyderabad Division;
 - (iii) Removal of stagnant water and sanitation drives in collaboration with municipal bodies;
 - (iv) Public awareness campaigns through print, electronic and digital media.
- b. The Action Plan shall be science-based, time-bound, and adequately funded, and shall be finalized within four (04) weeks.
- c. The Respondents shall establish a publicly accessible online dashboard detailing:
- (i) Daily dengue case numbers;
 - (ii) Preventive measures undertaken;
 - (iii) Areas where fumigation and surveillance have been carried out;
 - (iv) Budget allocations and expenditures.
- d. Deputy Commissioners and Municipal authorities of Hyderabad Division shall ensure:
- (i) Immediate removal of stagnant water;
 - (ii) Cleaning of drains and public areas;
 - (iii) Daily inspections of high-risk localities;
 - (iv) Prompt fumigation as per expert recommendations.
- e. Health Department shall ensure that all major hospitals in the Division maintain:
- (i) Adequate testing kits,
 - (ii) Designated dengue wards,
 - (iii) Trained staff, and
 - (iv) Free or subsidized diagnostic facilities for low-income patients.
- f. A District Dengue Response Committee shall be reactivated / constituted, comprising officials from Health, Municipal Administration, Local Government, PDMA, and the district administration, which shall meet fortnightly during peak seasons and monthly thereafter.
7. With the above directions, this Constitutional Petition stands disposed of.

JUDGE

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