

HIGH COURT OF SINDH CIRCUIT COURT, MIRPURKHAS

C.P. No.D-1275 of 2024

[Sikander Ali vs. Province of Sindh and Others]

Before:

JUSTICE ADNAN-UL-KARIM MEMON
JUSTICE RIAZAT ALI SAHAR

Mr. Mir Muhammad Nohri, advocate for petitioner(s)

Mr. Muhammad Sharif Solangi, Assistant A.G. Sindh a/w AXEN
Naukot (Zahoor Ahmed Bozdar)

Date of hearing & decision: 19.11.2025

ORDER

ADNAN-UL-KARIM MEMON J.- The Petitioner through this Constitutional Petition has prayed for directions to the official respondents to exclude private respondents from share list of W.C. No. 1DR Ex-Run Distry as their inclusion is illegal and further cancel the water share list dated 30.8.2023 being illegal and against the law.

2. The case of the petitioner is that he filed Civil Suit No. 31/2008 before the Senior Civil Judge Mithi, seeking declaration and permanent injunction against the share list dated 15.4.2008 and challenging inclusion of private respondents in the shareholders list of W.C. No. 1DR Ex-Run Distry; that the official respondent No.4 in his written statement stated that the watercourse is sanctioned and all khatedars have been taking water from it; that the names of private respondents have been recorded since 1998; that the trial court partly decreed the suit of petitioners on 20.10.2010. The private respondents filed Civil Appeal No. 44/2010, which was dismissed as not pressed on 20.12.2010, thus making the trial court's judgment final. Respondent No.9 later filed CP No. D- 614/2024 without impleading the petitioners and without disclosing the earlier suit, decree and withdrawal of appeal. He sought implementation of new share list dated 30.8.2023 and supply of irrigation water. The petition was disposed of on 12.8.2024. Respondent No.9, in collusion with official respondents, allegedly had a new share list prepared behind petitioners' back. The new list dated 30.8.2023 is illegal as preparation of fresh list had already been declared unlawful in the earlier suit. Implementation of new list is causing serious

prejudice to the petitioners, leaving them with no alternative remedy except filing the present petition.

3. Learned A.A.G contended that the government share list dated 15.4.2008 was subsequently revised in view of objections and litigation, resulting in the cancellation of transfer of 54-00 acres from W.C. 9-T Dahti Minor to W.C. 1DR Ex-Run Distry; that respondent No.9 possess 8-00 acres falling within the original command area of W.C. 1DR and is, therefore, legally entitled to receive irrigation water; that this Court in CP No. D-614/2024, directed the provision of water to respondent No.9 and the said order has already been complied with; that the share list dated 30.8.2023 is lawful as it excludes the cancelled 54-00 acres while correctly retaining the 8-00 acres of respondent No.9; that the petitioners are receiving their due share of water without any hindrance and have suffered no prejudice, whereas the present petition appears to be an attempt to deprive respondent No.9 of his legitimate water entitlement.

4. In view of the above facts and submissions and without entering into the disputed factual controversies already adjudicated in earlier proceedings, the instant petition is **disposed of** with the direction to the official respondents to ensure uninterrupted and equitable supply of irrigation water to the petitioners strictly in accordance with the prevailing sanctioned share list, without extending any undue favour, preference or concession to any khatedar of the area. The respondents shall further ensure that the distribution of water is carried out transparently and in accordance with law so that no party suffers on account of mismanagement or deviation from the notified share list.

JUDGE

JUDGE