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PRESENTED
ON 24.11.2022

ADDITIONAL REGISTRAR

IN THE HIGH COURT OF SINDH BENCH SUKKUR

D-1064

Constitutional Petition No. of 2022

Sartaj Hyder S/o Ameer Hyder Shar,
Muslim Adult, B/c Shar R/o Village Ain Ali
Shar, Taluka Thari Mirwah District Khairpur Mirs

...Petitioner.

VERSUS

1. Province of Sindh through
Chief Minister having its office at
Chief Minister House,
Government of Sindh, Karachi.
2. Province of Sindh,
Through chief secretary Sindh,
Government of Sindh.
3. Director General,
Provincial Disaster Management Authority,
Having its office at Plot No: 26-C Main Khayaban E Jami,
Phase VII, DHA Karachi.
4. Deputy Director (Sukkur Region)
Provincial Disaster Management Authority,
Having its office at Niaz Khoso Goth Sukkur.
5. Commissioner Sukkur,
Having its office at Commissioner House Sukkur.
6. Deputy Commissioner Khairpur,
Having its office at Deputy Commissioner,
Office Khairpur.
7. Assistant Commissioner,
Taluka Thari Mirwah having its office at
Thari Mirwah City.
8. Mukhtiarkar,
Taluka Thari Mirwah having its office at
Thari Mirwah City.....Respondents.

**CONSTITUTIONAL PETITION UNDER ARTICLE 199 OF THE
CONSTITUTION ISLAMIC REPUBLIC OF PAKISTAN, 1973**



ORDER SHEET

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Const. Petitions No. D – 1064, 1068, 1069, 1072, 1075,
1077, 1080, 1081, 1083, 1084, 1087, 1088, 1089,
1096, 1097, 1098, 1099, 1103 & 1125 of 2022

Date of hearing	Order with signature of Judge
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Hearing of case

For hearing of main case

14.09.2022

Mr. Ghulam Shabbir Shar, Advocate for the petitioners
in C. Ps. No. D-1064 and 1072 of 2022.
Mr. Mushtaque Ahmed Abbasi, Advocate for the petitioners
in C. P. No. D-1069 of 2022.
Mr. Nisar Ahmed Bhanbhro, Advocate for the petitioner
in C. P. No. D-1075 of 2022.
Mr. Humail Rafi Mahesar, Advocate for the petitioner
in C. P. No. D-1077 of 2022.
Mr. Fidaullah Qureshi, Advocate for the petitioner
in C. P. No. D-1080 of 2022.
Mr. Sohail Ahmed Khoso, Advocate for the petitioner
in C. P. No. D-1083 of 2022.
Mr. Sikandar Ali Junejo, Advocate for the petitioner
in C. P. No. D-1089 of 2022.
Mr. Alam Sher Bozdar, Advocate for the petitioner
in C. P. No. D-1096 of 2022.
Mr. Abdul Sattar Mahesar, Advocate along with petitioner
in C. P. No. D-1097 of 2022.
Mr. Waqar Ali Phulpoto, Advocate for the petitioner
in C. P. No. D-1098 of 2022.
Syed Jaffar Ali Shah, Advocate for the petitioner
in C. P. No. D-1103 of 2022.
Mr. Ubedullah Malano, Advocate for the petitioners
in C. P. No. D-1125 of 2022.

Petitioners Shoaib Khaskheli, Jhando Khan Jarwar, Abdul Sattar
Mahesar, Waqar Ali Phulpoto and Muhammad Balam Sangi, present in
person in C. Ps. No. D-1081, 1084, 1087, 1088 & 1099 of 2022.

M/s. Sadam Hussain Laghari and Mir Zamir Hussain, Presidents, Taluka
Bar Associations, Mirwah and Kotdiji, present in person.

M/s Mehboob Ali Wassan and Asfandiyar Kharal, Assistant Advocate
Generals Sindh along with Ghulam Mustafa Phul (Commissioner, Sukkur
Division, Sukkur), Syed Sardar Ali Shah (Chief Engineer, Sukkur Barrage
Left Bank Region, Sukkur), Noor Ahmed Samo (Deputy Commissioner,
Khairpur), Hajan Ujjan (Additional Commissioner-II, Sukkur), Abdul
Karim (Additional Commissioner-I on behalf of Deputy Commissioner,
Sukkur), Majid Hameed (Additional Deputy Commissioner-II on behalf of
Deputy Commissioner, Ghotki), Asadullah Khokhar (Assistant
Commissioner, Mehrabpur on behalf of Deputy Commissioner, Naushahro
Feroze), Majid Ali Mako (Assistant Commissioner, New Sukkur), Abdul



Basit (Assistant Commissioner, Mirwah), Abdul Rehman Indhar (Assistant Director PDMA, Sindh, Sukkur), Dr. Rehmatullah Solangi (District Health Officer, Khairpur), Dr. Jameel Ahmed (District Health Officer, Sukkur), Fida Hussain Solangi (D.S.P. on behalf of D.I.G.P., Sukkur Range, Sukkur) and Hubdar Shah (D.S.P., Gambat).

1. Learned Counsel for the petitioner in C. P. No. D-1075 of 2022, through statement, files photographs of Kotdiji Fort, which are taken on record.
2. Further compliance / progress reports are filed by (i) Commissioner, Sukkur Division, Sukkur, (ii) Chief Engineer, Sukkur Barrage Left Bank Region, Sukkur, (iii) Deputy Commissioners, Sukkur, Khairpur, Ghotki and Naushahro Feroze, (iv) S.S.Ps, Sukkur, Khairpur and Ghotki and (v) District Health Officer, Sukkur while para wise comments have been filed by Assistant Commissioners, Sukkur City and New Sukkur in C. P. No. D-1089 of 2022; same are taken on record. Para wise comments to the contempt application in C. P. No. D-1072 of 2022 have been filed by Deputy Commissioner, Naushahro Feroze, which are also taken on record.
3. Commissioner, Sukkur Division, has reported that they have increased the number of tents up to 100 in various Tent Cities; that Health Department has established 49 medical camps and arranged 52 mobile teams, which are providing health facilities to the IDPs on regular basis; that each family of IDPs is being paid Rs.25,000/- (*Rupees twenty five thousand*) as a relief through Benazir Income Support Program, and this facility has been provided to 164,938 beneficiaries; that the treatment and vaccination of animals have been carried out from 22.07.2022 to 11.09.2022 in whole Sukkur Division; and that nine (09) F.I.Rs. have been registered against the miscreant persons involved in illegal cuts/breaches on canal and sim nalas. While perusing the last part of the report, it has been revealed that still fifteen (15) illegal cuts are open, and it is a matter of great concern that no hectic efforts have been taken in that regard despite passing of various orders by this Court in the matters in hand.



Commissioner, Sukkur Division and Chief Engineer, Sukkur Barrage Left Bank Region, Sukkur are directed to ensure complete closure of illegal cuts/breaches and submit such report on the next date of hearing without fail.

4. The report of Mr. Syed Sardar Ali Shah, Chief Engineer, Sukkur Barrage Left Bank Region, Sukkur, shows that out of 73 illegal cuts, they have closed 54 while 19 are still open. He submits that proper police protection has not been given to them; hence, they are unable to complete such exercise. D.I.G. Police, Sukkur Range and Shaheed Benazirabad Range are directed to provide maximum police protection to the Irrigation authorities during their process of closing illegal cuts. Mr. Syed Sardar Ali Shah states that out of three waterscapes of Rohri Canal, on Kandiaro waterscape has been opened and now rain water is draining in Indus River from it, while Chaneser waterscape is likely to be opened in couple of days and Oderolal waterscape will be open as soon water at Kotri Barrage reach less than four lac cusec.

5. Deputy Commissioner, Naushahro Feroze, in his report, has submitted that they have installed portable washrooms and medical camps have been established besides mobile teams, which are in working and the basic needed item are being provided to the IDPs.

6. Learned counsel for the petitioners jointly submit that there is a lack of facilities in the Tent Cities and the reports are just eye-wash. We, therefore, deem it appropriate to direct the Civil Judges/Heads of Citizen Committees constituted by this court vide earlier order to submit their reports with regard to establishment of Tent Cities for IDPs in their Talukas with number of tents, food and health facilities available there. Such reports should be submitted well before the next date of hearing though District & Sessions Judges, Sukkur, Khairpur, Ghotki and Naushahro Feroze.



7. It has been informed that cases of dengue viral and gastroenteritis infection and malaria are increasing day by days in IDPs. In this regard, Commissioners of Sukkur & Shaheed Benazirabad Divisions and Medical Superintendents concerned are directed to arrange mosquito repellent sprays in Sukkur, Khairpur, Ghotki and Naushahro Feroze Districts and clean drinking water for IDPs and such compliance reports be submitted by them on the next date of hearing.

8. We have been informed that in Sukkur and Shaheed Benazirabad Divisions most of SCARP Tube Wells are non-functional, causing hardships in draining out rain water from various submerged areas of said Divisions, particularly, Taluka Kotdiji and Faiz Gang. Let on the next date of hearing Project Director (SCARP) Khairpur and Chief Engineer Irrigation Development Region-1, Hyderabad be in attendance before this Court on next date of hearing along with comprehensive report regarding work progress of their department in rain effected area of said both Divisions.

9. The officials present in Court are directed to submit further compliance/ progress reports. Adjourned to **21.09.2022 at 11:00 a.m.**

10. Office is directed to communicate this order to District & Sessions Judges, Commissioners, Deputy Directors PDMA and Deputy Commissioners of Sukkur and Shaheed Benazirabad Divisions (District Naushahro Feroze) Chief Engineer, Sukkur Barrage Left Bank Region, Sukkur, Chief Engineer Irrigation Development Region-1, Hyderabad and Project Director (SCARP), Khairpur.

Office is directed to place copy of this order in all connected Petitions.

Sd/- Zafar Ahmed Rajput
JUDGE
Sd/- Shamsuddin Abbasi
JUDGE

Certified to be true copy

16/9/2022
Assistant Registrar (Writ)

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

No. 11845 /HCSS/C.P No.D-1064/2022, 1068, 1069, 1072, 1075, 1077, 1080,
1081, 1083, 1084, 1087, 1088, 1089, 1096, 1097, 1098, 1099, 1103 & 1125/2022, Sukkur
dated 16th September, 2022

Copy forwarded for information & compliance to:

1. The Additional Advocate General Sindh, at Sukkur.
2. The Commissioner, Sukkur Division, Sukkur.
3. The Commissioner, Shaheed Benazirabad Division, Shaheed Benazirabad.
4. The District & Sessions Judge, Sukkur.
5. The District & Sessions Judge, Khairpur.
6. The District & Sessions Judge, Ghotki.
7. The District & Sessions Judge, Naushahro Feroze.
8. The Deputy Inspector General of Police, Sukkur Range, Sukkur.
9. The Deputy Inspector General of Police, Shaheed Benazirabad Range, Shaheed Benazirabad
10. The Deputy Director (Sukkur Region), Provincial Disaster Management Authority (PDMA), having its office at Niaz Khoso Goth, Sukkur.
11. The Deputy Director (Shaheed Benazirabad Region), Provincial Disaster Management Authority (PDMA), Shaheed Benazirabad.
12. The Deputy Commissioner, Sukkur.
13. The Deputy Commissioner, Khairpur.
14. The Deputy Commissioner, Ghotki.
15. The Deputy Commissioner, Naushahro Feroze.
16. The Chief Engineer Irrigation, Sukkur Barrage left Bank Region, Sukkur.
17. The Chief Engineer Irrigation Development Region-I, Hyderabad.
18. The Project Director (SCARP), Khairpur.



16/9/2022
(Ayaz Ali Memon)
Assistant Registrar
High Court of Sindh, Bench at Sukkur