



DECISION

Complaint No. : POS/9504/2023/SGR-127

Name and address of the complainant : Mr. Muhammad Moosa S/o. Raza Muhammad,
R/o. Village Eid Muhammad Brohi, Taluka Tando Adam,
District Sanghar.

Name of the Agency Complained against : Irrigation Department.

Name & Designation of Investigating Officer : Ghulam Shabir Memon
Regional Director, Sanghar

Vetted by : Syed Hashim Raza Zaidi,
Advisor-S

Subject : **ALLEGED INACTION ON THE COMPLAINTS MADE AGAINST ILLEGAL DIVERSION OF WATER COURSE NO.2R & 2AR, QUBBO YAGAN MINOR, WHICH HAS BEEN DAMAGING LAND OF THE COMPLAINANT AND OTHER VILLAGERS.**

THE COMPLAINT:

Mr. Muhammad Moosa filed a complaint dated 30-11-2023, against Irrigation Department wherein, he alleged inaction on the complaints made against illegal diversion of water course No.2R & 2AR, Qubbo Yagan Minor, which has been damaging land of the complainant and other villagers, etc. The complainant had frequently approached the concerned Agency for rectification, but to no avail. Aggrieved by that, he solicited intervention of this Institution.

PROCEEDINGS:

2. The complaint was admitted under Section 10 of the Establishment of the office of Ombudsman for the province of Sindh Act. 1991 (amended upto date), after receiving copy of CNIC, Affidavit on form "A" and other relevant documents and by condoning the delay.
3. The Executive Engineer, Irrigation Hala @ Hyderabad was issued notice vide this office letter dated 19-12-2023 followed by multiple reminders for report, who reported vide his letter dated 05.03.2024 that the problem is being caused by a drainage pipe. He further requested that Works & Services Department Tando Adam and Mukhtiarkar (Rev.) Taluka Shahdadpur may be directed for joint visit of site to address the issue.
4. The matter remained under correspondence with both agencies i.e. Irrigation and Works & Services Department. The Executive Engineer, Irrigation Hala @ Hyderabad has filed his report vide his letter dated 23-07-2024 and enclosed the report of Assistant Executive Engineer, Tando Adam-I, vide letter dated 16-05-2023 with the comments. He informed that Canal Assistant and Abdar of the beat have visited the land of the complainant at Water Course No 2R & 2AR Qubbo Yagan Minor and found that rain water has accumulated in the land. He added that old road going from Shahdadpur to Tando Adam has been damaged/destroyed and new road has been constructed by the government. During the construction of road, a pipe was installed by the works & service department without any consent of owner of Survey Nos. 747 and 748 and without any NOC from the Irrigation Department and as a result water is flowing into the land of complainant and other adjoining lands due to which these lands cannot be cultivated, hence Complainant have suffered financial loss.

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5. The report was called from Executive Engineer, provincial Highways Division Sanghar vide letter dated 18.11.2024. During a site visit conducted by officials from the Irrigation Department, the Assistant Engineer confirmed that the area in question is a natural waterway visible in satellite imagery and photographs. A culvert was previously constructed at this site to safeguard the road. However, it was illegally blocked, leading to water stagnation and damage to the road structure, posing a serious safety risk. The Assistant Commissioner of Shahdadpur Taluka and Highway Department officials conducted a joint visit. Mr. Brohi presented land ownership documents, but the Assistant Commissioner clarified that leased lands on natural waterways were abolished by Supreme Court orders. Additionally, the complainant's village is far from the affected site, and there is no nearby settlement justifying the construction of any crossing. The blocked culvert is causing significant road damage, as evidenced by the photographs of the area, emphasizing the urgent need to address the issue to protect the road and ensure public safety.

6. The report of the agency alongwith the enclosures were sent to the complainant vide this office letter dated 23-07-2024 for filing of his rejoinder / comments, followed by the multiple reminders. The complainant appeared on 09-09-2024 and submitted his written statement wherein, he has stated he has filed F.C Suit No. 101/2024 in the court of Honourable Senior Civil Judge Shahdadpur (Copy of F.C Suit is available in file) and requested to withdraw from his complaint.

FINDINGS:

7. Since the complainant has filed F.C Suit No. 101/2024 in the court of Honourable Senior Civil Judge Shahdadpur, hence, no further action can be undertaken by this office.

DECISION:

8. In view of the above and in exercise of powers vested in me under section-II of Establishment of the Office of Ombudsman for the Province of Sindh Act 1991 (amended upto date), the complaint is disposed of being subjudice in a court of law.

Given under my hand and seal of this office.



Sd /-
(Muhammad Sohail Rajput)
Sitara-e-Imtiaz; PAS
Ombudsman Sindh,
Karachi, dated 17th January, 2025

