

FAX

PRESENTED
07-11-2018
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IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Constitutional Petition No.D-1892 of 2018

Faheem Ali S/O Imtiaz Ali,
by caste Ghambhir, Muslim, Adult,
R/O Waris Ghambhir, Pir Mangio,
P. O. Therhi, Taluka & District Khairpur.

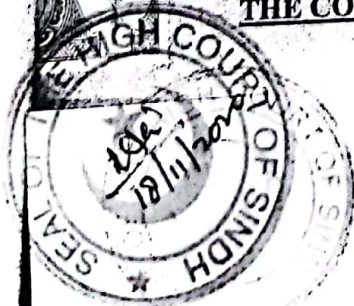
.....Petitioner

VERSUS

1. Province of Sindh,
Through Secretary Local Government,
Sindh Secretariat Karachi.
2. Deputy Commissioner,
District Khairpur.
3. Assistant Commissioner,
District Khairpur.
4. Chairman,
Municipal Committee,
Khairpur.
5. Chief Municipal Officer,
Khairpur.
6. District Health Officer,
Khairpur.
7. NAB Sukkur.

..... Respondents

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



IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Constt: Petition No.D-1640 of 2019
Constt: Petition No.D-1892 of 2018

DATE OF HEARING	ORDER WITH SIGNATURE OF JUDGE.
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1. For orders on O/objection at flag-A.
2. For hearing of main case.

17-11-2020

Mr. Nusrat Hussain Memon Advocate for petitioner in CP No.D-1640/2019.

M/s Khuda Bux Chohan, Sher Muhammad Domki, Miran Bux Shar, Agha Imran Ali and Manzoor Gul Advocates on behalf of some Municipal Committees, Town Committees.

M/s Shafi Mohammad Chandio and Mehboob Ali Wassan AAG along with Rasool Bux Junejo Director Agricultural Extension, Sukkur, Zamir Ahmed Jagirani, ADC-1, Khairpur, Zulfiqar Ali Bhutto, CMO, Khairpur, Mansoor Ahmed, Assistant Commissioner/Administrator, T.C Garhi Yasin, Syed Yar Ali Shah, Assistant Commissioner/Administrator, Sijawal, Zuhair Zameer, Administrator, T.C, Qubo Saeed Khan, Kashmir Ali, CMO, Sanghar, Nadeem Ahmed, Abdul Razak Shaikh, CMO, Moro, TO, T.C, Bhiria City, Nadeem Ahmed, TO, T.C, Baberloi, Muhammad Yousuf, T.O, T.C, Nara and Tando Mir Ali, Imran Habib, T.O, T.C, Sijawal, Shakeel Ahmed, T.O, T.C, Garhi Yasin, Sharafuddin, T.O, T.C, Naushehro Feroze, Faisal Hussain, T.O, T.C, Qazi Ahmed, Pervaiz Ahmed, T.O, T.C, Fakir Abad, Tasleem Raza, T.O, T.C, Kumb, Fayaz Hussain, CMO, Shahdadpur, Dil Murad, T.O, T.C, Qubo Saeed Khan, Saleem Akhtar, T.O, T.C, Kandiaro, Irshad Ali, T.O, T.C, Darya Khan Mari, Zulfiqar Ali, T.O, T.C, Mithiani and Mushtaq Ahmed, T.O, T.C, Mir Khan.

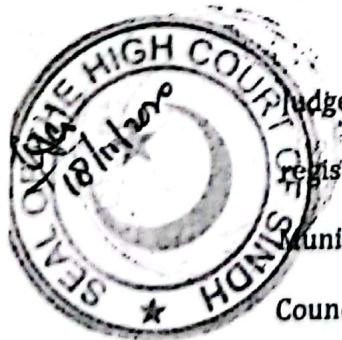
Vakalatnamas filed by Mr. Aamir Mustafa Kamario Advocate on behalf of Town Officer, Town Committee, Nara, Mr. Faiz Muhammad Shar Advocate on behalf of T.O, T.C, Pakka Chang, Mr. Mehfooz Ahmed Awan Advocate on behalf of Town Officer, T.C, Lakhi and Lakhi so also by Mr. Muhammad Ali Memon Advocate on behalf of T.O, T.C, Khanpur are taken on record.

The statements filed by Deputy Commissioners /
Administrators, Municipal Committees, Assistant Commissioners /

Administrators, Town Committees, Chief Municipal Officers, Municipal Committees, Town Officers, Town Committees so also by Director, Agriculture Extension, Sukkur and SSPs/DSPs concerned are taken on record. Replies are filed by Administrators of concerned Municipal Committees. For the reasons as disclosed in the replies, the show-causes notices stand vacated with strict warning to be very careful and vigilant in future. The order dated 28.10.2020 to the extent of issuance of B.Ws against CMOs and TOs concerned also stands recalled with warning to them to be more careful in future.

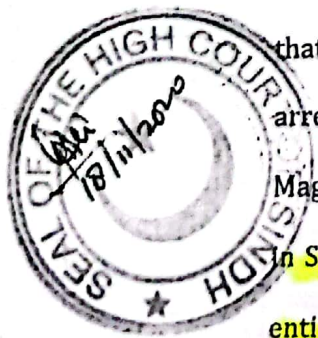
On the last date of hearing, CMO, Municipal Corporation, Larkana was present and gave a false statement before this Court that no incident of dog bite case occurred, but on the said date, a news was published in newspaper 'Daily Kawish' highlighting so many dog bite cases took place in Larkana, as such the CMO, Larkana has failed to take any hectic efforts to comply with the Court orders and today he is called absent. In such a situation, issue NBWs against the CMO, Municipal Corporation, Larkana to be executed through DSP, Larkana.

Perusal of reports submitted by learned District & Sessions Judge, Larkana so also SSP, Larkana reflect that no FIR has been registered in respect of dog bite incident against concerned CMOs, Municipal Committees, TOs, Town Committees and Secretaries, Union Councils for the reasons that earlier DHO, Larkana as well as Medical Superintendent, Chandka Medical College, Larkana sent a list of dog bite cases and the same was also sent to SDPOs and SHOs of Larkana district for compliance, but later on DHO, Larkana and M.S, Chandka



Medical College, Larkana withdrew/cancelled the said list vide orders dated 14.11.2020 and 13.11.2020 respectively. In such a situation, the DHO, Larkana and Medical Superintendent, Chandka Medical College, Larkana are directed to be present before this Court on the next date of hearing. The SSP, Larkana is directed to get the FIRs registered against concerned CMOs, Municipal Committees, TOs, Town Committees and Secretaries, Union Councils in respect of dog bite incidents and ensure that the nominated accused in the FIRs are arrested under Mashirnama and they are produced before learned Magistrate for their remand, under compliance report to this Court on the next date of hearing.

Reports have also been received from other learned District & Sessions Judges in Sindh except Karachi, which show that though many FIRs have been registered against concerned CMOs, Municipal Committees, TOs, Town Committees and Secretaries, Union Councils in respect of dog bite incidents, but the SHOs of concerned Police Stations have failed to arrest any nominated accused in the said FIRs. In such a situation, all the SSPs, in Sindh except Karachi are directed to ensure that all the nominated accused in the FIRs of dog bite cases are arrested under Mashirnama and they are produced before learned Magistrate for their remand. All the learned District & Sessions Judges in Sindh except Karachi are further directed to monitor/supervise the entire process of dog bite incidents and call reports from concerned Medical Superintendents, Civil Hospitals/Taluka Hospitals, DHOs, Medical Officers, RHCs, BHUs, SSPs, and SHOs and ensure that FIRs are lodged against concerned CMOs, Municipal Committees, TOs, Town Committees and Secretaries, Union Councils in respect of dog bite



incidents with further directions to police to arrest all the nominated accused in the said FIRs under proper Mashirnamas and produce them before concerned Magistrate for their remand, under compliance report to this Court through Additional Registrar.

The Secretary, Health Department, Government of Sindh is directed to ensure that vaccines and complete courses of ARV are being provided to the patients bitten by the dogs so also ensure that the health facilities and vials of vaccines are being made available at Civil Hospitals, Taluka Hospitals, RHCs and BHUs on emergency need basis to dog bite patients and thereafter said patients be referred to the concerned ARV centers for providing further complete courses of ARV. Office is directed to communicate copy of this order to Secretaries, Health Department, Local Government Department, Government of Sindh and SSPs in Sindh except Karachi as well as copy be provided to learned Additional Advocate General for compliance. Office is also directed to send copy of this order to learned Sessions Judges in Sindh except Karachi through FAX for compliance.

To come up on 26.11.2020 at 11:00 a.m.

Sd/- Aftab Ahmed Gorar
JUDGE
Sd/- Mahmood A. Khan
JUDGE

Certified to be true copy.

18/11
Assistant Registrar (Writ)

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR.
No.24519 /HCSS/C.P No.D-1640/2019 & 1892/2018, Sukkur dated 18th November, 2020

Copy forwarded for information & compliance to:

1. The Additional Advocate General of Sindh, at Sukkur.
2. The Additional Registrar, High Court of Sindh, Bench at Sukkur.
3. The Secretary Health Department, Government of Sindh, Sindh Secretariat, Karachi.
4. The Secretary Local Government Department, Government of Sindh, Sindh Secretariat, Karachi.
5. The District & Sessions Judge, Hyderabad.
6. The District & Sessions Judge, Mirpurkhas.
7. The District & Sessions Judge, Thatta.
8. The District & Sessions Judge, Badin.
9. The District & Sessions Judge, Jamshoro at Kotri.
10. The District & Sessions Judge, Sanghar.
11. The District & Sessions Judge, Shaheed Benazirabad (Nawabshah).
12. The District & Sessions Judge, Dadu.
13. The District & Sessions Judge, Naushahro Feroze.
14. The District & Sessions Judge, Sukkur.
15. The District & Sessions Judge, Ghotki.
16. The District & Sessions Judge, Kashmore at Kandhkot.
17. The District & Sessions Judge, Larkana.
18. The District & Sessions Judge, Jacobabad.
19. The District & Sessions Judge, Khairpur.
20. The District & Sessions Judge, Tharparkar at Mithi.
21. The District & Sessions Judge, Kamber-Shahdadkot at Kamber.
22. The District & Sessions Judge, Umerkot.
23. The District & Sessions Judge, Shikarpur.
24. The District & Sessions Judge, Matyari.
25. The District & Sessions Judge, Tando Muhammad Khan.
26. The District & Sessions Judge, Tando Allahyar.
27. The Senior Superintendent of Police, Sujawal.
28. The Senior Superintendent of Police, Hyderabad.
29. The Senior Superintendent of Police, Mirpurkhas.
30. The Senior Superintendent of Police, Thatta.
31. The Senior Superintendent of Police, Badin.
32. The Senior Superintendent of Police, Jamshoro at Kotri.
33. The Senior Superintendent of Police, Sanghar.
34. The Senior Superintendent of Police, Shaheed Benazirabad (Nawabshah).
35. The Senior Superintendent of Police, Dadu.
36. The Senior Superintendent of Police, Naushahro Feroze.
37. The Senior Superintendent of Police, Sukkur.
38. The Senior Superintendent of Police, Ghotki.
39. The Senior Superintendent of Police, Kashmore at Kandhkot.
40. The Senior Superintendent of Police, Larkana.
41. The Senior Superintendent of Police, Jacobabad.
42. The Senior Superintendent of Police, Khairpur.
43. The Senior Superintendent of Police, Tharparkar at Mithi.
44. The Senior Superintendent of Police, Kamber-Shahdadkot at Kamber.
45. The Senior Superintendent of Police, Umerkot.
46. The Senior Superintendent of Police, Shikarpur.
47. The Senior Superintendent of Police, Matyari.
48. The Senior Superintendent of Police, Tando Muhammad Khan.
49. The Senior Superintendent of Police, Tando Allahyar.
50. The Medical Superintendent, Chandka Medical College, Larkana.
51. The District Health Officer, Larkana.



(Signature)
(Ayaz Ali Memon)
Assistant Registrar
High Court of Sindh, Bench at Sukkur
18/11