

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT,
HYDERABAD

C.P.No.D- 1233 of 2013

DATE	ORDER WITH SIGNATURE OF JUDGE
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For hearing of main case.

19.09.2019.

Mr. Riazuddin Qureshi, Advocate for petitioner.
Mr. Javed Ali Buriro, Advocate for respondents No.1 to 5.
Mr. Allah Bachayo Soomro, Additional A.G.

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Petitioner claims to be an agriculturist and had applied for provision of a United Tractor as per policy introduced in this regard by Agriculture and Water Management Department Government of Sindh in the year 2013. He had deposited Rs.25,000/- as token money and was declared successful alongwith 46 other applicants who were given tractors as per policy but the Tractor was not provided to him and his application was turned down.

2. Respondents have filed objections / comments not disputing status of the petitioner as successful applicant. However, they have submitted that the petitioner remained reluctant to take Agri Credit Officer (ACO) of the Bank with him to his land for spot verification and instead had filed complaints against the Management of the Bank. In order to verify the complaints, a team of two Executives Officers was deputed who visited the Branch of Sindh Bank at Badin but petitioner failed to see them. It is also stated that petitioner had availed a personal loan of Rs.88,000/- from National Bank of Pakistan on 23rd August 2006 for 05 years which was to be repaid by 22nd August 2011 but as per eCIB extracted on 6th May 2013, an amount of Rs.48,140/- was reflecting in 90+DPD which depicts the repayment behavior of the petitioner. In support of such contention, the respondent-Bank has filed a copy of the documents reflecting the same position. However, the petitioner in rebuttal has submitted that he had obtained No Dues Certificate and eCIB, which clearly shows that there was no amount outstanding against him.

3. The contention raised in this regard by learned counsel for Bank is that no such document was filed by the petitioner at the time of filing of his application and even it is not available in court file. And subsequently, the petitioner through an application has filed these documents which have not even yet been verified.

4. Be that as it may, after hearing the parties and perusing the material available on record, we are of the view that providing or not a Tractor to the petitioner as per

policy does not infringe or otherwise fundamental rights of the petitioner and therefore, this petition for a relief as pleaded under Article 199 of the Constitution of Pakistan is not competent. The contentions raised by the respondents that the petitioner had not allowed a visit to his agricultural land to verify his competency to procure the Tractor and further that he was a defaulter has not been rebutted by the petitioner by filing any rejoinder in this regard. The petitioner in absence of rebuttal to these assertions through cogent material cannot even plead his case on discrimination in reference to other applicants who were given Tractors. Moreover, these points which have been agitated by the parties pertain to disputed facts which cannot be sorted out under the constitutional jurisdiction of this court. Further it has also been informed that the policy whereby the Tractors were given to poor Haries was terminated in June 2013 and now there is no provision to provide a Tractor to the petitioner in terms of said policy. Needless to say in such eventuality, no implementable order can be passed by this court. This being the position, we see no merit in this petition and dismiss it accordingly. However, money deposited by the petitioner as token shall be returned to him on due verification and identification as per relevant law as requested by learned counsel.

JUDGE

JUDGE

Tufail/PA