

IN THE HIGH COURT OF SINDH, KARACHI

Present:

**Mr. Justice Muhammad Saleem Jessar
Mr. Justice Nisar Ahmed Bhanbhro**

Const. Petition No. D-6334 of 2023

(Erum Izhaar and another v. Province of Sindh and 08 others)

Petitioners : Through Mr. Ashar Askar Zaidi, Advocate

Respondents : Through Mr. Hakim Ali Shaikh, Additional Advocate General and Mr. Sagheer Ahmed Abbasi, Assistant Advocate General alongwith SIP Ghulam Abbas PS New Karachi

Date of hearing : **05.03.2026**
& Order

ORDER

MUHAMMAD SALEEM JESSAR, J. Through this petition, the petitioners claim as under:

- a. *To declare that the letters dated 05.01.2023 vide reference No. Sr.Dir/E&IP/KMC/671/2023, letter dated 13.07.2023 vide reference No. Sr.Dir/E&IP/KMC/770/2023, issued by respondent No.3, are illegal as the Wednesday and Sunday weekly bazaar has been organized at an amenity plot.*
- b. *To direct the official respondents to seal the Wednesday and Sunday weekly bazaar as the Wednesday and Sunday weekly bazaar has been organized at an amenity plot, which is being organized by respondents No. 6 to 8.*
- c. *To restrain the respondents No.6 to 8 from organizing the bachat bazaar, since it is creating nuisance to the petitioners, their families and area locality people.*
- d. *To pass necessary directions to the official respondents regarding to save the fundamental rights of the petitioners, their families and area people.*
- e. *Any other or further relief, which this Honourable Court, may deems fit and proper in the circumstances of the case."*

2. In view of the prayer clause reproduced above, it is evident that the relief sought by the petitioners does not disclose any infringement of a legally protected right or any direct personal grievance suffered by them. It is a settled principle of law that only a person who has suffered a legal injury or whose rights have been adversely affected can invoke the constitutional jurisdiction of this Court.

3. When confronted to above legal position, counsel for the petitioners failed to demonstrate that the impugned action has caused any prejudice to lawful rights or any enforceable interest of the petitioners in the subject matter of the petition. The pleadings are conspicuously silent with regard to any nexus between the petitioners and the alleged grievance. Mere assertion without substantiation cannot confer the status of an aggrieved person, articulated under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973.

4. Accordingly, we find that the petitioners do not fall within the category of an “aggrieved person” competent to maintain the instant petition, therefore, instant petition being not maintainable is hereby dismissed alongwith pending application(s).

**JUDGE
HEAD OF CONST. BENCHES**

JUDGE