

ORDER SHEET

IN THE HIGH COURT OF SINDH, KARACHI

C. P. No. D – 412 of 2018

Date	Order with signature of Judge
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Before:

Mr. Justice Aqeel Ahmed Abbasi.

Mr. Justice Aziz-ur-Rehman.

For orders as to maintainability

Habib

Vs.

Government of Sindh and others

Petitioner:

Mr. Zaheer-ul-Hassan, Advocate.

Respondents;

Nemo for the respondents

Date of Hearing:

31.01.2018.

Date of Order:

31.01.2018.

Aqeel Ahmed Abbasi, J: Through instant petition, the petitioner, who claims to be a public spirited person, has prayed that writ may be issued by this Court while declaring that the order passed by respondent No.1, allowing the appeal of respondents No.2 to 5 is illegal and without lawful authority. Learned counsel for the petitioner was directed to satisfy this Court as to maintainability of instant petition as well as locus standi of the petitioner to file instant petition under Article 199 of the Constitution, as prima-facie the petitioner is neither an aggrieved party in terms of Article 199 of the Constitution nor appears to have agitated any violation of fundamental rights of the petitioner by the respondents, however, learned counsel for the petitioner could not submit any satisfactory response to such objection and contended that petitioner has the personal knowledge to the effect that order passed in the appeals filed by the private respondents under Rule 71 of the Sindh Mining Concession Rules 2002, for restoration of mining permit of the respondents is based on malafide and extraneous consideration, whereas, the permit of the respondents was rightly cancelled by the competent authority.

2. In view of hereinabove facts and circumstances of the case, we are of the considered opinion that the order passed by the Secretary, Mines & Minerals Development Department, Government of Sindh, Karachi, while functioning as

appellate authority under Rule 71 of the Sindh Mining Concession Rules 2002, in respect of third party cannot be impugned by a stranger to the proceedings and does not require any interference by this Court while exercising constitutional jurisdiction under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973. Accordingly, we do not find any substance in the instant petition, which was dismissed in limine vide our short order dated 31.01.2018, with cost of Rs.10,000/- to be deposited in the account of High Court Clinic and these are the reasons for such short order.

3. However, it is clarified that dismissal of instant petition would have no bearing on the proceedings, if any, initiated by any aggrieved party against the order passed by the Secretary, Mines & Minerals Development Department, Government of Sindh, Karachi, under Rule 71 of the Sindh Mining Concession Rules, 2002, whereas, in case of any illegality, if committed, while granting such permission, appropriate action may be taken by the relevant authority in accordance with law.

J U D G E

J U D G E

Nadeem