

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH, KARACHI**

**C.P.No.D-1458 of 2018**

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<b>Date</b>	<b>Order with signature of Judge</b>
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**Present**

**Mr. Justice Muhammad Ali Mazhar**

**Mr. Justice Agha Faisal**

Azmat Wali.....Petitioner

Versus

Federation of Pakistan & others.....Respondents

**22.01.2019**

Petitioner present in person.

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**Muhammad Ali Mazhar, J:** This Constitution Petition has been brought to seek directions of this court against the respondents to divide the territory of Pakistan into 18 states or independent units. On 25.06.2018 the learned Division Bench of this court while reducing the controversy observed in the second portion of the order as under:

“However, after hearing the petitioner at some length and from perusal of contents of petition and the relief sought therein, it appears that instant petition is mis-conceived and beyond the scope of Article 199 of the Constitution, whereas, a complete mechanism has been provided in the Constitution for seeking an amendment in the Constitution, which may also include the increase in the numbers of Provinces or Administrative Units by the Parliament. Petitioner is directed to satisfy the Court as to maintainability of instant petition on the next date of hearing. At his request adjourned to 08.08.2018.”

2. Besides impleading Federation of Pakistan and Province of Sindh, the petitioner has also arrayed Province of Punjab, Khyber Pakhtunkhwa and Balochistan in this petition. All these three provinces are beyond the writ jurisdiction of this court; hence no writ can be issued by this court against these three provinces. So far as the prayer for dividing the territory of Pakistan into 18

states as wished by the petitioner is concerned, it is clearly provided under Sub-Article (4) of Article 239 of the Constitution that a Bill to amend the Constitution which would have the effect of altering the limits of a Province shall not be presented to the President for assent unless it has been passed by the Provincial Assembly of that Province by the votes of not less than two-thirds of its total membership and under Article 238 it is clearly provided that the Constitution may be amended by Act of Majlis-e-Shoora (Parliament). The petition is beyond the scope and parameters of Article 199 of the Constitution in which this court may exercise its writ jurisdiction, therefore, this petition was dismissed in limine today vide our short order. Above are the reasons.

Judge

Judge

*Asif*