

# IN THE HIGH COURT OF SINDH AT KARACHI

Present: **Yousuf Ali Sayeed and Agha Faisal, JJ.**

CP D-2862 of 2020 : Syed Mehmood Akhter Naqvi  
vs. Prime Minister & Others

For the Petitioner : Mr. Syed Mehmood  
Akhter Naqvi  
(In Person)

Date of hearing : 17.09.2020

Date of announcement : 17.09.2020

## ORDER

**Agha Faisal, J.** (1) Granted. (2) Granted subject to all just exceptions. (3) The present petition has been filed against the Prime Minister, President, Federal Minister Economic Affairs and members National Economic Council of all the respective provinces seeking *inter alia* directions pertaining to the NFC award.

2. At the very onset the petitioner, appearing in person, was required to address the Court with respect to the maintainability of the petition. The petitioner argued *simpliciter* that access to the share of the respective provinces to funds of the State was required to be facilitated by this Court, hence, the petition ought to be entertained in the public interest.

3. It is observed that relief was sought against the Prime Minister, and others, notwithstanding Article 248<sup>1</sup> that precludes such an endeavour. The protection envisaged, in respect of holders of cited offices, has been a consistent feature of our Constitutional history<sup>2</sup> and the present petition disregards the settled principle of law.

4. It is also noted that the petitioner seeks to agitate an issue pertaining to the comity of the federating units despite Article 184<sup>3</sup> of the Constitution, conferring original jurisdiction in such regard exclusively upon the august Supreme Court. No justification was articulated as to how this Court could exercise jurisdiction in view of the prevailing law.

5. The exercise of powers, per Article 199 of the Constitution, was required to be undertaken upon application of an aggrieved person<sup>4</sup>.

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<sup>1</sup> **248. Protection to President, Governor, Minister, etc.**-(1) The President, a Governor, the Prime Minister, a Federal Minister, a Minister of State, the Chief Minister and a Provincial Minister shall not be answerable to any Court for the exercise of powers and performance of functions of their respective offices or for any act done or purported to be done in the exercise of those powers and performance of those functions...

<sup>2</sup> *Para materia* provisions are Section 306 of the Government of India Act 1935, Article 233 of the 1956 Constitution and Article 116 of the 1962 Constitution.

<sup>3</sup> 184. Original jurisdiction of Supreme Court.-(1) The Supreme Court shall, to the exclusion of every other Court, have original jurisdiction in any dispute between any two or more Governments.

<sup>4</sup> Barring certain exceptions, i.e. writ of *quo warranto*, however, no case was made out to qualify the present petition within an exception recognized by law; 2019 SCMR 1952.

The petitioner has made no submission before us to suggest that he falls within the definition of an aggrieved person<sup>5</sup>.

6. In view of the reasoning and rationale herein contained, we are of the considered view that the petitioner has been unable to set forth a case for the exercise of extra ordinary Constitutional jurisdiction by this Court, hence, this petition is hereby dismissed *in limine*.

JUDGE

JUDGE

Khuhro/PA

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<sup>5</sup> *Raja Muhammad Nadeem vs. The State* reported as *PLD 2020 Supreme Court 282*; *SECP vs. East West Insurance Company* reported as *2019 SCMR 532*.