

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

Before:
 Mr. Justice Ahmed Ali M. Shaikh, CJ
 Mr. Justice Yousuf Ali Sayeed

CP No.D-5424 of 2021

Fresh Case

1. For orders on Misc. No.22701/2021 (urgent)
2. For orders on office objections No.14, 18, 31
3. For orders on Misc. No.22702/2021 (exemption)
4. For hearing of main case

14.09.2021

Mr. M. Waheed Kazi, Advocate for petitioner.

AHMED ALI M. SHAIKH, CJ.- Through instant petition, Petitioners have sought following relief:-

“a. To direct the respondent No.1 to give the directions to the respondents No.2 for issuing of route permit in favour of the petitioners.

b. To direct the respondent No.4 & 5 (Who have already submitted its feasibility report in favour of the petitioners to the respondent No.2 in respect of issuing route permit) to appear before this Hon’ble Court alongwith official record in respect of plying the vehicles on suggested route provided list of vehicles and made an agreement on 12.12.2019 between the petitioners and respondent No.5.

c. Any other relief/relief(s), as deemed fit and proper under the facts and circumstances of the case by this Hon’ble Court in the interest of justice.”

Perusal of the memo of instant petition reveals that earlier the Petitioners had filed CP No.D-6319 of 2020, seeking identical relief(s). The said petition was disposed of on 18-03-2021 in terms of the undertaking of Focal Person, Transport Department that the application regarding route permit will be decided within a period of 20 days. Later, the Petitioners filed contempt application which was disposed of vide order dated 10.06.2021 observing that the competent authority in terms of order dated 07.04.2021 has decided the pending application after providing opportunity of hearing to the petitioners. It is pertinent to mention here that by dint of the aforesaid order, Petitioner’s application for issuance of route permit was declined.

During hearing learned counsel for the petitioners was asked whether the Petitioners, being aggrieved with the order dated 07.04.2021 passed by the Respondent on their application, have assailed the said order. He replied in negative. Since the earlier Petition filed by the Petitioners seeking identical relief(s) was heard and disposed of by this Court and the Petitioners have not challenged the order dated 07.04.2021 passed by the Respondent, we do not find any force in the instant petition, which even otherwise is hit by Section 11 CPC. Thus, while granting the application seeking urgent hearing, the Petition is dismissed accordingly.

Chief Justice

Judge