

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
 C. P. No. D-5519 of 2021

Date	Order with signature of Judge
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FRESH CASE.

1. For orders on Misc. No.23126/2021.
2. For orders on Misc. No.23127/2021.
3. For orders on Misc. No.23128/2021.
4. For hearing of main case.

15.09.2021.

Mr. Shab Alam, Advocate for the Petitioner.

1. Urgent application is allowed.

2. Exemption is allowed subject to all just exceptions.

3&4. The Petitioner has invoked the jurisdiction of this Court under Article 199 of the Constitution assailing an auction said to have been conducted by the Cantonment Board Manora, Karachi towards establishing a Beach Resort at Manora, as advertised through a Public Notice in the daily newspaper DAWN, Karachi on 23.08.2021, with the date, time and venue of auction specified therein as being 08.09.2021, at 12.30 p.m., at 40 Qasim Road, Manora Cantt., Karachi. The grievance espoused by the Petitioner is that the aforesaid publication was not compliant with the Pakistan Cantonments Property Rule 1957, as it did not specify any reserved price, and whilst the Petitioner sought to raise such an objection at the time of auction, his entry was barred as he was not in possession of his original CNIC. However, the Petitioner has also incongruously submitted that he sought to nonetheless participate in the auction, and is willing to now offer an amount of Rs.12.00 Million, as opposed to the amount of Rs.11.00 Million said to constitute the highest bid. Other than the aforementioned copy of the publication and a legal notice addressed by the Counsel to the Cantonment Executive Officer on behalf of the Petitioner, the Petition is otherwise bereft of any supporting document. Needless to say, the Petitioner cannot impugn the propriety/legality of the auction, yet at the same time

seek to participate and present an offer/bid. Even otherwise, it has been observed that the general terms and conditions specified in the public notice required submission of a Bank Draft/Pay Order in the sum of Rs.5.00 Million in the name of Cantonment Executive Officer alongwith a copy of the Bidder's CNIC to be deposited prior to the start of auction proceedings in the Office of the Cantonment Board. As such, the contention that the Petitioner had sought to enter the venue without being in possession of his original CNIC can scarcely be believed. Furthermore, on query posed, it transpired that the Petitioner had not even prepared any Bank Draft/Pay Order in the aforementioned sum. Under such circumstances, we find no force in the instant Petition, which stands dismissed in limine alongwith listed applications.

CHIEF JUSTICE

JUDGE

MUBASHIR