

ORDER SHEET
THE HIGH COURT OF SINDH AT KARACHI

CP D 2664 of 2022

Date	Order with signature of Judge(s)
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1. For order on Misc. No.11899/2022
2. For order on office objection No.03 & 09.
3. For order on Misc. No.11900/2022
4. For hearing of main case.

28.04.2022

Syed Mehmood Akhtar Naqvi, petitioner in person.

(1) Granted. (2) Deferred. (3) Granted; subject to all just exceptions.

(4) The petitioner states that the Government had earlier placed names of people on the exit control list and that the some names have since been removed therefrom. No notification/s placing names on the ECL is on record and there is no notification removing any names before us. At the very onset the petitioner was required to address the Court with respect to the maintainability of the petition, however, he remained unable to do so.

The exercise of jurisdiction, per Article 199 of the Constitution, was required to be undertaken upon application of an aggrieved person¹. The petitioner has made no submission before us to suggest that he falls within the definition of an aggrieved person².

It is observed that the Prime Minister has also been impleaded, notwithstanding Article 248³ that precludes such an endeavor. The protection envisaged, in respect of holders of cited offices, has been a consistent feature of our Constitutional history⁴ and the present petition disregards the settled principle of law.

The regulation of the exit control list by the executive is per the law and neither has any dilation upon the law been endeavored nor any infringement thereof has been articulated.

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 discretionary Constitutional jurisdiction by this Court, hence, this petition is hereby dismissed *in limine*.

JUDGE

JUDGE

¹ 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.

² *Raja Muhammad Nadeem vs. The State* reported as PLD 2020 Supreme Court 282; *SECP vs. East West Insurance Company* reported as 2019 SCMR 532.

³ 248. 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...

⁴ *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.