

ORDER SHEET  
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

C.P. No.D-203 of 2019

DATE	ORDER WITH SIGNATURE OF JUDGE
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For orders on office objection  
For hearing of M.A.1055/2019  
For hearing of main case

18.05.2022

Mr. Muhammad Hashim Laghari, advocate for petitioner.

Mr. Rafique Ahmed Dahri, Assistant Advocate General Sindh.

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This petition seeks setting aside of a notification dated 20.11.2018 received by the petitioner on 11.01.2019, in terms whereof the extension of a permit was declined. The petitioner was given such license / permits in the year 1992 initially which was being extended from time to time. It was last renewed having expired on 12.05.2016. Petitioner claims to have moved an application for its extension which was denied vide above notification. Despite expiry of license, the petitioner is in continuous occupation of said mine and extracting China Clay.

We have heard the learned counsel and are afraid that being a license / permit holder the petitioner does not enjoy a vested right for its extension. These permits required to be issued to individuals after following due process of law and an individual to whom such license was issued does not enjoy the privilege for its extension without applicability of law. Notification declining extension disclosed that permit's terms were being violated. Petitioner being only a licensee cannot maintain this petition for the extension and renewal of the license only. A license / permit is only a privilege to act upon it and without which the actions would be deemed to be unlawful. There is no case within the frame of Sindh Mining Concession Rules 2002. Any investment or permanent structure as claimed to have been made is of no consequence as such is only business operational investments not investment on land. The alleged investments of the petitioner are of such nature which concern with the heavy equipment which can always be taken away as it belongs to the petitioner for their professional execution of work. Petitioner even did not avail remedy under Rule 71 of Sindh Mining Concession Rules 2002. This being a situation, petition being misconceived is dismissed.

JUDGE

JUDGE