

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

C.P.NO.D-4167 OF 2014

Date	Order with signature of Judge
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1. For Katcha Peshi
3. For hg of CMA No.20238/2014

26.8.2015

Syed Mureed Ali Shah, Petitioner present in person
Mr. Asim Mansoor, DAG

Through instant petition, petitioner has sought the following relief:-

- a) Direct the Respondent to provide current status of the above said Reference dated 04.08.2014 and initiate proceedings as per the applicable law against the officials complained of;
- b) Declare that the act of Respondent of not acknowledging the status of the above said Reference to the Petitioner is against Article 19-A (Right to information) of the Constitution of Islamic Republic of Pakistan, 1973.
- c) Cost of the Petition may be awarded to the Petitioner.

Petitioner present in person submits that he had filed a Reference before the respondent, through its Registrar, against the member(s) of the Election Commission by alleging misconduct against them in terms of Article 209 of the Constitution of Islamic Republic of Pakistan. He further submits that till date he has not been informed with regard to the status of such Reference and prays that the respondent may be directed to furnish report regarding the status of such Reference. He has also referred to Article 19A of the Constitution and contends that such information is a Constitutional right of the petitioner and has relied upon the case of *Hamid Mir Vs Federation of Pakistan (PLD 2013 SC 244)*

Conversely, learned DAG vehemently opposes instant petition and submits that the same is not maintainable, as the respondent is not amenable to the writ jurisdiction of this Court,

whereas, the petitioner is not entitled to seek any such information from the respondent.

After having perused the record and the relevant Rules of Supreme Judicial Council, specially Rules-7 which provides the procedure for scrutinizing the information / complaint, we are of the view, that though any member of public may bring to the notice of the Council or any of its members, alleging misconduct against the members of Election Commission, or a Judge, however, it is not incumbent upon the Council to respond to all such References/complaint(s) of misconduct. It is only in such matters, where the member or the Council is of the opinion, in relation to sufficiency or otherwise of the information prima facie, it shall proceed to consider the same. This does not entitles the complainant to get response in each and every complaint as it is only in respect of such matter(s) where the Council intends to take cognizance of the complaint / reference to proceed further and call further information if required. In fact no such response from the Council reflects the credibility of such reference / complaint of which no cognizance could be taken.

In view of hereinabove, we are of the view that no such right accrues to the petitioner to seek any information by alleging violation of Article 19-A of the Constitution of Islamic Republic of Pakistan, by merely filing a complaint before the Supreme Judicial Council. Whereas reliance on the case of **Hamid Mir (Supra)** is also misconceived as the facts of instant petition are entirely different from that case. Accordingly, instant petition being misconceived in fact and law and is hereby dismissed in limine with all pending applications.

JUDGE

JUDGE