

IN THE HIGH COURT OF SINDH AT KARACHI

Present:
Muhammad Junaid Ghaffar, J.
Agha Faisal, J.

C P D 5206 of 2021 : Muhammad Adnan Lodhi vs.
Federation of Pakistan & Others

For the Petitioner : Mr. Zainul Abidin Jatoy, Advocate

For the Respondents : Ms. Amna Warsi, Advocate

Mr. Yasir Ahmed Shah
Assistant Attorney General

Date/s of hearing : 28.09.2022

Date of announcement : 28.09.2022

ORDER

Agha Faisal, J. The petitioner, a pilot presently on bail in FIR 07 of 2021¹ (“FIR”), pertaining to fraudulent issuance of flying licenses, and whose entire record pertinent to his flying license has been seized by the FIA per Seizure Memo dated 30.01.2021, has filed this petition assailing Civil Aviation Authority’s (“CAA”) letter dated 08.03.2021 (“Impugned Letter”) whereby the petitioner’s request for *verification*² of his license has been regretted on account of the pending FIA Enquiry 42 of 2020³.

The prayer clause also sought relief against the respondent no. 4, being a private respondent, however, the petitioner’s counsel unequivocally articulated that the petitioner forgoes all such claims and confines himself to the controversy stated supra.

2. At the very onset, petitioner’s counsel was queried as to how directions for verification of the petitioner’s flying license be granted by this Court when the precise matter was pending adjudication before the competent court of criminal jurisdiction. No satisfactory response in such regard was provided and it was insisted that since the CAA had withdrawn an earlier suspension notice,

¹ Registered pursuant to a complaint in consonance with the directions of the Supreme Court on 28.12.2018 in HRC 8645 of 2018.

² Available at page 165 of the file.

³ Pursuant whereof the FIR was registered.

therefore, it was obliged to issue the verification as solicited, notwithstanding the pendency of the pertinent criminal proceedings.

3. *Admittedly*, the issue of veracity of the petitioner's flying credentials / license is the subject matter of the FIR. Per petitioner's counsel, no effort to seek quashing of the proceedings has ever been made. The controversy before the trial court⁴ is to be determined on the basis of evidence / record there before and under no circumstances could this Court be obliged to render orders having a direct impact upon the relevant criminal proceedings.

Even otherwise, a detailed investigation in the factual realm pertaining to the claimed antecedents / credentials of the petitioner ought not to be conducted in writ jurisdiction. Therefore, it is our deliberated view that the petitioner has failed to set forth any case for exercise of the discretionary⁵ writ jurisdiction of this Court.

4. In view hereof, we are constrained to observe that this petition is misconceived, hence, was dismissed, along with pending application/s, vide our short order announced at the conclusion of the hearing earlier today. These are the reasons for the short order.

JUDGE

JUDGE

⁴ Seized of proceedings pursuant to FIR 07 of 2021.

⁵ Per *Ijaz Ul Ahsan J.* in *Syed Iqbal Hussain Shah Gillani vs. PBC & Others* reported as 2021 SCMR 425; *Muhammad Fiaz Khan vs. Ajmer Khan & Another* reported as 2010 SCMR 105.