

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH, KARACHI**

**Suit No.1740 of 2022**  
a/w Suit Nos.1815, 1816, 1880, 1908,  
1909 of 2022 and 278 of 2023

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**DATE:** **ORDER WITH SIGNATURE(S) OF JUDGE(S).**

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1. For hearing of CMA No.17265/2022
2. For hearing of CMA no.220/2023

**06.03.2023**

Mr. Faisal Aziz, Advocate for the Plaintiffs in Suit No.1740 of 2022.

Mr. Ch. Abdul Rasheed, Advocate for the Plaintiffs in Suit No.1815 of 2022 and 278 of 2023.

Mr. Naseer Shah, Advocate for the Plaintiff in Suit No.1909 of 2022.

Mr. Naseer Nehal Hashmi, Advocate for the Plaintiff in Suit No.1880 of 2022.

M/s. Zameer Hussain Ghumro and Malik Waseem Iqbal, Advocates for the Defendants No.2.

Mr. Salman Ahmed, Advocate for Defendant No.4 in Suit No.1740 of 2022

Barrister Zeeshan Adhi, Additional A.G. Sindh.

M/s. Farrukh Aziz, Assistant Director (Legal) and Junaid Iqbal Khan, Deputy Project Director, CLICK, are present.

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Learned counsel appearing for Plaintiffs in all these Suits except Suit No.278 of 2022, have stated that they want to withdraw these Suits simplicitor; same was recorded on the last date of hearing and they have also cited a case law reported in **P L D 2015 Sindh 239** [*Pakistan Defence Officers, Housing Authority through Secretary and others versus Muhammad Afsar and others*] in support of their arguments. However, Mr. Ch. Abdul Rasheed, Advocate appearing for Plaintiff in Suit No.278 of 2023, states that he wants to proceed with this matter.

Above reported judgment is about a dispute regarding Parking Area and stoppage of the illegal construction within the jurisdiction of Defence Housing Authority; subsequently, respondent (in the reported Decision) wanted to withdraw the suit, but the request was declined, which order was set aside by the learned Division Bench of this Court. Facts and controversy of the reported Decision are clearly distinguishable from those involved in the present Suits. The Apex Court handed down a judgment reported in the case of *Haji Muhammad Boota and others versus Member (Revenue), Board of*

*Revenue, Punjab and others* [P L D 2003 Supreme Court 979], *inter alia*, holding that it is not an absolute right of plaintiff to withdraw a claim, but the same is subject to certain limitations, in particular, where a right of a third party has been accrued; consequently, in appropriate cases the request can be declined where it is seen to prevent the Court from passing an Order.

It has also been observed in the earlier Order that the matter pertains to the well-being of City of Karachi. All these matters clearly fall within the ambit of Public Interest Litigation and cannot be allowed to be withdrawn as requested. Certain questions were to be answered in these matters; therefore, Applications for withdrawal of these Suits are turned down (dismissed).

Issue notice to the President, Sindh High Court Bar Association, for the next date to assist this Court.

Before the next date of hearing, learned Additional A.G. Sindh, will file the precise Report under his Statement containing that how much Sales Tax on Services and other Provincial Taxes have been collected from the City of Karachi in the last three years; how and to what extent, it is expended.

Similarly, issue notice to the Deputy Attorney General and Chairman, Federal Board of Revenue (“FBR”) at Islamabad, to submit a precise Report showing the figures of Federal Taxes collected from the City of Karachi for the past three years, and how much portion has been utilized for the development of Karachi. The Law Officers of Federation, Province and FBR shall submit the Report in a Tabular Form, also containing figures of collection of Taxes and its utilization in the City of Karachi in US Dollar.

Being Public Interest Litigation, these matters are adjourned to **20.03.2023** at **11.00 a.m.** Learned Additional A.G. so also other Advocates will file Written Statement and Counter Affidavit in Suit No.278 of 2023.

**Judge**

Riaz / P.S.