

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH, KARACHI**  
Const. Petition No.D-6266 of 2021

| <i>Date</i> | <i>Order with signature of Judge</i> |
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**Priority:**

1. For orders on Misc. No.1733 of 2024 (U/A)
2. For hearing of Misc. No.28186/2023 (U.O. 18 Rule 18 CPC).
3. For orders on Misc. No.28186/2023 (Stay).
4. For hearing of main case.

**26.01.2024:**

Mirza Moiz Baig, advocate for the petitioner.  
Mr. Saifullah, AAG.  
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1-4. Learned counsel for the petitioner seeks urgency on the ground that under instruction instant matter may be disposed of with the direction to the respondents to consider the application dated 20.08.2004 filed by the petitioner before the Secretary, School Education and Literacy Department, Government of Sindh, for de-nationalization of Pakistan Technical Institute, Plot No.ST-14, Block 2, Federal 'B' Area, Karachi, which according to learned counsel for petitioner, has not been decided so far inspite of issuance of several reminders to this effect, which are available at pages 119 – 133 as Annexure '1', '1-1', '1-2' and '1-3' with instant petition.

Learned AAG present in Court submits that prima-facie, it appears that such application is not available on record of the respondents, however, extended his no objection if the direction may be issued to the respondents in the aforesaid terms so that the application filed by the petitioner as referred to hereinabove may be considered as pending and decided in accordance with the Law, Rules as well as Policy.

Accordingly, urgency application is granted and instant petition is disposed of in the above terms. However, it is expected

that the application of the petitioner as referred to hereinabove may be decided by the respondents, preferably, within a period of four weeks from the date of receipt of this order after providing opportunity of being heard strictly in accordance with law, rules and policy. It is further clarified that in case of any further documents required the same be provided to establish the claim of petitioner.

Petition stands disposed of in the above terms along with listed applications.

**CHIEF JUSTICE**

**JUDGE**

Nadeem

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH, KARACHI**  
Const. Petition No.D-448 of 2024

| <i>Date</i> | <i>Order with signature of Judge</i> |
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**Fresh Case:**

1. For orders on Misc. No.2155/2024 (U/A).
2. For orders on Misc. No.2156/2024 (Exemp. App.)
3. For orders on Misc. No.2157/2024 (Stay).
4. For hearing of main case.

**26.01.2024:**

Mr. M. Afzal Roshan, advocate for the petitioner.  
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While confronted as to maintainability of instant petition, as prima-facie, it appears that no relief has been sought against any public functionary nor any order impugned, which may require to invoke jurisdiction of this Court under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973, it further appears a dispute between the members of private association i.e. Sindh Madressatul Islam University Teachers' Association, learned counsel for the petitioner does not press instant petition and may file appropriate proceeding as may be available in accordance with law.

Petition stands dismissed as not press along with listed applications.

**JUDGE**

**CHIEF JUSTICE**

Nadeem

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

Const. Petition Nos.D-5578 of 2023  
along with C.P.No.D-6051 of 2023

| <i>Date</i> | <i>Order with signature of Judge</i> |
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**Priority**

1. For hearing of Misc. No.283/2024 (U/A)
2. For hearing of Misc. No.25811/2023.
3. For hearing of main case.

**26.01.2024:**

Mr. Abdul Ahad Nadeem, advocate for the petitioners.  
Mr. Abdul Moiz Jaferii, advocate for intervenors No.1 & 2.  
Mr. Saifullah, AAG.  
Mr. Khaleeq Ahmed, DAG.  
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1. Through listed application filed on behalf of the intervenors i.e. Pakistan Pediatric Association and Executive Director, Sindh Institute of Child Health & Neonatology (SICHN) under Order 1 Rule 10 read with Section 151 CPC, whereby, intervenors have been sought to be impleaded as party in the matter on the ground that above Association of Pediatric Doctors is fully aware about the legislation and its implication on the health of infants and young children, therefore, wish to assist this Court in the instant matter.

Notices were issued, pursuant to which, petitioner files counter affidavit to listed application, whereas, such request has been opposed on the ground that the intervenors are not necessary party in the instant matter. Learned DAG as well as learned AAG have extended their no objection if the intervenors, who are pediatric Doctors and have their expertise may be impleaded as party in the instant matters, which primarily relate to the medical implication and effect on the lives of infants and young children at large.

Accordingly, listed application is allowed. Learned counsel for the petitioners is directed to file amended title by impleading the intervenors as respondents within three days.

To come up on 27.02.2024 to be taken up at 12.00 noon, when reply/comments, if any, on behalf of the newly impleaded respondents be filed with advance copy to the learned counsel for petitioners.

**CHIEF JUSTICE**

**JUDGE**

Nadeem

ORDER SHEET  
IN THE HIGH COURT OF SINDH AT KARACHI  
**C.P. No.D-438 of 2024**

Date

Order with signature of Judge

FRESH CASE:

1. For order on Misc. No.2077/2024 (Urgent).
2. For order on Misc. No.2078/2024 (Exemp. App.).
3. For order on Misc. No.2079/2024 (Stay).
4. For hearing of main case.

**26<sup>th</sup> January 2024**

Rana Sakhawat Ali, Advocate for the Petitioners.

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1. Urgency granted.
2. Exemption granted subject to all just exceptions.
- 3-4. Learned counsel for the petitioner, at the very outset, submits that the controversy agitated through instant petition relating to retrospective effect given to Tariff for gas prices pursuant to impugned Notification dated 08.11.2023 issued by the respondent No.2, is already pending before this Court in number of petitions, including ***C.P. No.D-323 of 2024 (M/s.Afettex Industries and others v. Federation of Pakistan and others)***, wherein, interim relief granted to the petitioners by directing the respondents to issue revised gas bill by excluding the amount of arrears for the period from 01.11.2023 to 07.11.2023. In support of his contention, learned counsel for the petitioners has referred to order dated 19.01.2024 passed by this Court in the aforesaid petition available at pages 209 to 215 as Annexure "H" of the Court's file.

Let pre-admission notice be issued to the respondents as well as D.A.G., to be served through first three modes, for **01.02.2024** to be taken up along with aforesaid petition and other connected petitions, when reply/comments, if any, shall be filed with advance copy to the learned counsel for petitioners. In the meanwhile, respondents shall not take any adverse coercive action for the recovery of arrears for the period from 01.11.2023 to 07.11.2023 against the petitioners, whereas, revised bills be issued within two days after deducting the amount of arrears for the aforesaid period, whereafter, petitioners shall make payment of their gas bills for the current month within two days thereof, however, the payment of such amount shall be subject to further orders by this Court.

**CHIEF JUSTICE**

**JUDGE**

Nadeem

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH, KARACHI**  
Const. Petition No.D-6354 of 2023

| <i>Date</i> | <i>Order with signature of Judge</i> |
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**24.01.2024:**

Syed Mustafa Ali, advocate for the respondents.  
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No one is in attendance on behalf of the petitioner, no intimation is received. Syed Mustafa Ali, has shown appearance, files vakalatnama on behalf of the respondents and requests for time to file reply/comments, whereas, learned DAG also requests for time to seek instruction and to file reply/comments.

To come up after four weeks, when reply/comments, if any, shall be filed with advance copy to the learned counsel for petitioner.

Interim order passed earlier to continue till next date of hearing.

Nadeem

**JUDGE**

**CHIEF JUSTICE**

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH, KARACHI**  
Const. Petition No.D-6623 of 2022

| <i>Date</i> | <i>Order with signature of Judge</i> |
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**Priority**

1. For orders on Misc. No.1584/2024 (U/A).
2. For orders on office objection No.18.
3. For orders on Misc. No.29195/2022.
4. For hearing of Misc. No.5231/2023.
5. For hearing of Misc. No.33039/2022
6. For hearing of Misc. No.28007/2022
7. For hearing of main case.

**24.01.2024:**

Qazi Umair Ali holding brief for Malik Naeem Iqbal, advocate for the petitioner.  
Mr. Asfand Yar Khan, holding brief for Khawaja Shams-ul-Islam, advocate for respondent No.4.  
Mr. Saifullah, AAG.

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Learned counsel for the petitioner is reportedly busy before another bench, however, the learned counsel holds brief for petitioner's counsel seeks urgency. By consent, to come up on 15.02.2024.

Interim order passed earlier to continue till next date of hearing.

Nadeem

**JUDGE**

**CHIEF JUSTICE**



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

Const. Petition No.D-7543 of 2022  
along with C.P.No.D-1138 of 2023

| <i>Date</i> | <i>Order with signature of Judge</i> |
|-------------|--------------------------------------|
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**Priority**

1. For orders on Misc. No.1532/2024 (U/A).
2. For hearing of Misc. No.31989/2022
3. For hearing of main case.

**24.01.2024:**

Qazi Umair Ali, holding brief for Mr. Altamash Arab,  
advocate for the petitioner in C.P.No.D-7543 of 2022.  
Mr. Saifullah, AAG.  
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Learned counsel for the petitioner in C.P.No.D-7543/2022 is reportedly busy before another bench, however, the learned counsel holds brief for petitioner's counsel seeks urgency. It appears that the matter is already fixed on 07.02.2024.

By consent, to come up on 07.02.2024, when it is already fixed.  
Interim order passed earlier to continue till next date of hearing.

Nadeem

**JUDGE**

**CHIEF JUSTICE**

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH, KARACHI**  
Const. Petition Nos.D-5004/2020 & 3577 of 2023

| <i>Date</i> | <i>Order with signature of Judge</i> |
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**24.01.2024:**

Mr. Nadeem Ahmed Qureshi, advocate for the respondent.  
Mr. Saifullah, AAG.

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None present on behalf of the petitioners except learned AAG and learned counsel for respondent.

Adjourned.

Nadeem

**JUDGE**

**CHIEF JUSTICE**

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

Const. Petition No.D-436 of 2024

| <i>Date</i> | <i>Order with signature of Judge</i> |
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**Fresh Case**

1. For orders on Misc. No.2071/2024 (U/A).
2. For orders on Misc. No.2072/2024 (Exemption App.)
3. For orders on Misc. No.2073/2024 (Stay App.)
4. For hearing of main case.

**24.01.2024:**

Petitioner Muhammad Jibran Nasir present in person.  
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1. Granted.
2. Granted subject to all just exceptions.
- 3-4. Through instant petition, the petitioner Muhammad Jibran Nasir, who is contesting forthcoming general election from P.S.110 as an independent candidate has expressed his grievance against the Pakistan Telecommunication Authority (PTA) and the concerned Ministry of Information Technology and Telecommunication, who according to petitioner, are causing hindrance in access to social media platforms while disrupting the mobile internet broadband services without any cogent reason, whereas, according to petitioner, keeping in view the recent interruption and shutting down social media services platforms including Twitter, Facebook, Youtube, it appears that with an intent to stop the political parties as well as independent candidates, who are contesting in the forthcoming general elections scheduled to be held on 08.02.2024, the official respondents do not want to allow such candidates to use such platforms for their election campaign, which appears as cost effective source to approach the voters at large, whereas, no reasonable explanation whatsoever has been given for such abrupt interruption and shutting of social media services platforms. Petitioner further submits that instead of remedied the grievance by removing technical errors, if any, the Ministry of Information Technology and Telecommunication along with PTA head has issued a statement in a press conference held on 22.01.2024 through statement to the effect that there is likelihood of further interruption and shutting of social media

services platforms for the next 90 days during which the general elections are scheduled to be held, therefore, petitioner and the public at large have a serious apprehension about such interruption and shutting down of internet services may be used as pre-poll rigging for the reason that either the media person or the social media users as well as public at large will not be in a position to report any event of rigging etc. on the day of polling. Petitioner has further contended that since disruption of social media services platforms amounts to deny the access the public at large to have information about the national affairs and one of the most important events having grave impact on the life of citizens of Pakistan i.e. forthcoming general elections, which otherwise will create serious doubt even on the fair and transparent elections in the eyes of the public at large as well as in the international committee of nations. According to the petitioner, it also causes serious financial loss to the national economy as well as multiple business of their livelihood from online social medial platforms. According to petitioner, current disruption and shutting down of internet services are being monitored by the PTA, who are under legal obligation to ensure smooth and uninterrupted internet services/social media services and in case of any default on their part the same may be removed immediately. Petitioner has prayed that the act of shutting down mobile internet and broadband services on 17.12.2023, 07.01.2024 and 20.01.2024 across the Pakistan by the respondents No.1 & 3 may be declared to be unconstitutional, illegal and in violation of policy directive issued by the respondent No.2 on 26.12.2009, the Pakistan Telecommunication (Re-Organization) Act, 1996 as well as Removal and Blocking of Unlawful Online Content (Procedure, Oversight and Safeguards) Rules, 2021, and Articles 4, 9, 18, 19 and 19A of the Constitution of Islamic Republic of Pakistan, 1973, whereas, further direction may be issued to the official respondents to ensure that there shall be no further disruption and shutting down mobile internet and broadband services, so that the petitioner and other contesting candidates may be in a position to have access to the voters of their respective constituencies through social media platforms, which

is their fundamental right. Petitioner further submits that another Const. Petition No.D-2403/2023 touching to the same controversy is already fixed before this Court on 29.01.2024, therefore, requests that instant petition may also be taken up along with such petition.

Let pre-admission notice be issued to the respondents as well as DAG to be served through first three modes for 29.01.2024 to be taken up along with aforesaid petition, when reply/comments shall be filed with advance copy to the petitioner. In the meanwhile, respondents are directed to ensure that unless the provision of Section 8 and Section 54 of the Pakistan Telecommunication (Re-Organization) Act, 1996, read with Rule 5 of Removal and Blocking of Unlawful Online Content (Procedure, Oversight and Safeguards) Rules, 2021, are attracted, there shall be no disruption and shutting down of mobile internet and broadband services and shall ensure smooth and uninterrupted mobile internet and broadband services to have access to social media platforms/websites.

Nadeem

**JUDGE**

**CHIEF JUSTICE**

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH, KARACHI**  
Const. Petition No.D-325 of 2024

| <i>Date</i> | <i>Order with signature of Judge</i> |
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**Fresh Case**

1. For orders on Misc. No.1515/2024 (U/A).
2. For orders on Misc. No.1516/2024 (Exemption App.)
3. For orders on Misc. No.1517/2024 (Stay App.)
4. For hearing of main case.

**19.01.2024:**

Mr. Ali Nawaz Khuhawar, advocate for the petitioner  
along Mr. Daniyal Sheikh, advocate.  
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1. Granted.
2. Granted subject to all just exceptions.
- 3-4. Through instant petition, the petitioners have expressed their grievance against the retrospective effect given to Tariff for gas prices pursuant to impugned Notification dated 08.11.2023 issued by the respondent No.2, whereby, according to the learned counsel for petitioners, inspite of the fact that such Notification is dated 08.11.2023, it has been given effect from 01.11.2023, which authority, according to learned counsel for the petitioners, is not vested in the respondents. Per learned counsel, the right accrued to the consumers cannot be withdrawn retrospectively through Notification. In support of his contention, learned counsel for the petitioners has placed reliance in the cases of **Anoud Power Generation Limited and others v. Federation of Pakistan and others (PLD 2001 Supreme Court 340)** and **Sindh Petroleum and CNG Dealers' Association and 15 others (2020 CLC 851)**. It has been contended by the learned counsel for petitioners that though the bill for the month of December, 2023, was issued as per new tariff, however, without charging any arrears for the period w.e.f. 01.11.2023 to 07.11.2023, whereas, while issuing bill for the month of January, 2024, the respondents have charged an additional amount by treating the same as arrears for the month of November, 2023. It has been prayed that the respondents may be restrained from taking any adverse coercive action against the petitioners including charging/collecting the aforesaid amount of arrears for the period from

01.11.2023 to 07.11.2023 while applying the aforesaid Notification retrospectively.

Let pre-admission notice be issued to the respondents as well as DAG to be served through first three modes for 01.02.2024, when reply/comments shall be filed with advance copy to the learned counsel for petitioners. In the meanwhile, respondents shall not take any adverse coercive action for the recovery of arrears for the period from 01.11.2023 to 07.11.2023 against the petitioners, whereas, revised bills be issued within two days after deducting the amount of arrears for the aforesaid period, whereafter, petitioners shall make payment of their gas bills for the current month within two days thereof, however, the payment of such amount shall be subject to further orders by this Court.

Nadeem

**JUDGE**

**CHIEF JUSTICE**