

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

Present:

*Mr. Justice Zafar Ahmed Rajput.*

*Justice Mrs. Rashida Asad.*

**Constitutional Petition No. D-2099 of 2023**

- Petitioners : (i) Haji Imamuddin Marwat s/o. Haji Sahib Din, (ii) Afaq-u-Din s/o. Imamuddin Marwat, (iii) Saif Khan s/o. Imamuddin Marwat and (iv) Mst. Raqima Bibi @ Ruqia Bibi w/o. Imamuddin Marwat, through Mr. Noor Muhammad Dayo, Advocate.
- Respondent No.1. : Federation of Pakistan, through Mr. Muhammad Qassim, Deputy Attorney General.
- Respondents No. 2 & 3. : Director General NAB Karachi & Director IW-1, NAB, Karachi, through M/s. Syed Dilshad Hussain Shah & Mazoor Alam, Special Prosecutors NAB.
- Date of hearing : 10.01.2024
- Date of order : 28.02.2024

**ORDER**

**ZAFAR AHMED RAJPUT, J:-** By means of this petition, the

petitioners inter-alia seeks following reliefs:-

*i) Declaration that after the omission of Section 23 of NAO 1999 through the National Accountability (Amendment) Act, 2022 the respondents are under statutory obligation to remove/lift the clog/caution over the properties of the petitioners;*

*ii) To direct the respondents/NAB particularly Respondent No.3 to ensure that the caution u/s 23 of NAO 1999 be removed from the record of concerned departments instantly and such report be furnished with MIT of this Court;*

*iii) To direct the Respondents to ensure that the petitioners be dealt in accordance with law and their right and interest in*

*respect of subject properties may not be adversely effected in any manner whatsoever at the hands of the respondents.*

Learned D.A.G. as well as learned Special Prosecutors NAB contend that since Section 23 of the National Accountability Ordinance, 1999 (“**Ordinance of 1999**”) has been omitted, the Caution placed on the subject properties of the petitioners shall be deemed as not placed.

It is an admitted position that the Caution was placed on the subject properties of the petitioners under section 23 of the Ordinance of 1999; however, said section has been omitted vide National Accountability (Amendment) Act, 2022 (“**Act of 2022**”), which contemplates per se that “it shall come into force at once and shall be deemed to have taken effect on and from commencement of the National Accountability Ordinance, 1999.”

Since section 23 of the Ordinance of 1999 is no more part of the Statute, the Caution placed on the subject properties of the petitioners shall be deemed as *non est*.

Accordingly, the instant petition is disposed of by observing that in view of the Act of 2022, the Caution so placed on the subject properties of the petitioners stands omitted.

Petition stands disposed of.

JUDGE

JUDGE