

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
C.P. No.D-1332 of 2024

Date

Order with signature of Judge

FRESH CASE:

1. For order on CMA No.6205/2024 (Urgent).
 2. For order on CMA No.6206/2024 (Exemption).
 3. For order on CMA No.6207/2024 (Stay).
 4. For hearing of main case.
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Dated; 15th March 2024

Mr. Muhammad Jibran Nasir, Advocate for Petitioner.

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1. Urgency granted.
2. Exemption granted subject to all just exceptions.

3&4. Through instant Constitutional Petition, the petitioner has expressed her grievance against illegal act on the part of the respondent No.3, who according to learned counsel for petitioner, while abusing his authority and without any approval from Economic Coordination Committee (ECC) or issuance of Notification from the Ministry of Commerce with regard to placing ban on the export of onion and banana during the month of Holy Ramazan as stated in the letter dated 08.03.2024 issued by Deputy Director (Q), Ministry of Food Security & Research, Department of Plant Protection, Government of Pakistan (available at page 115 as Annexure E/1 of instant petition) while addressing to all the authorized officers of DPP Quarantine Outposts not to issue Phytosanitary Certificate against shipment of Onion and Banana with immediate effect, whereas, according to learned counsel for the petitioner, a Notification to this effect by the Ministry of Commerce, Government of Pakistan has been issued on 12.03.2024 (available at page 149 as Annexure J), which was duly communicated to the concerned officer vide letter dated 13.03.2024 (available at page 149-A as Annexure J/2 of instant

petition). Per learned counsel, respondent No.3 has not only acted without lawful authority but also meted out discriminatory treatment with the petitioner, whereas, his malafide is evident from the fact that most of the blue-eyed exporters of onion and banana have been issued Phytosanitary Certificate on 9th and 11th March 2024, details of which is available at pages 145 and 147 as Annexure-I of instant petition. Per learned counsel, such illegal and malafide act on the part of the respondent No.3 has caused financial losses to the petitioner at the one hand and also loss to the national exchequer in terms of remittances, which is required to be returned as it was received in advance remittances. According to learned counsel, respondents are legally required to process the GDs of the petitioner, which were filed prior to the aforesaid Notification issued by the Ministry of Commerce dated 12.03.2024.

Let pre-admission notice be issued to the respondents as well as to the Deputy Attorney General, to be served through first three modes, for **26.03.2024**, when comments/reply, if any, shall be filed with advance copy to the learned counsel for petitioner. In the meanwhile, it is expected that request of the petitioner to issue Phytosanitary Certificate and to allow export of onion in respect of GDs, which were already filed and forwarded prior to issuance of the aforesaid Notification dated 12.03.2024, shall be processed in accordance with law.

CHIEF JUSTICE

JUDGE

Farhan/PS
