

ORDER SHEET  
IN THE HIGH COURT OF SINDH AT KARACHI

CP D 7106 of 2022

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| Date | Order with signature of Judge(s) |
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Disposed of Matter

1. For hearing of CMA No.28773/2024.

**22.01.2025**

Mr. Khalid Jawed Khan, advocate for the petitioner.  
Mr. Shamshad Ahmad Narejo, advocate for the respondent.  
Ms. Alizeh Bashir, Assistant Attorney General.  
Mr. Kailash A. Vaswani, Additional Advocate General Sindh.

1. By consent this petition is restored.

This petition, filed in 2022, essentially assailed show cause notice/s directly in the writ jurisdiction of this Court. The impugned notice/s provided an opportunity and forum to the petitioner to state its case, however, the petitioner has unjustifiably elected to abjure the opportunity / forum provided and approach this Court directly. No case has been set out as to why the any reservation with regard to the impugned notice/s could not have been taken before the issuing authority. Default by the petitioner in seeking recourse before the statutory hierarchy could not be demonstrated to denude the statutory forum of its jurisdiction; or confer the same upon this court.

The Supreme Court also consistently deprecated the tendency to shun the dispute resolution mechanism provided by statute and seek direct recourse to the High Court; as seen in *Jahangir Khan Tareen*<sup>1</sup>, approved in Judgment dated 15.09.2022 rendered in *DCIR vs. Digicom Trading (CA 2019 of 2016)* The aforementioned ratio is squarely applicable to the present facts and circumstances. Therefore, no case could be articulated for direct recourse to writ jurisdiction in the presence of adequate remedy having been provided under the law.<sup>2</sup>

Notwithstanding the foregoing, *admittedly* the notice stands adjudicated and an order issued in pursuance thereof. While the petitioner remained at liberty to seek remedy against the order, if aggrieved, per law, no case is made out to entertain this matter in the discretionary<sup>3</sup> writ jurisdiction of this Court; therefore, this petition is hereby dismissed.

Judge

Judge

Khuhro/PA

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<sup>1</sup> Per *Muhammad Ali Mazhar J.* in *CIR vs. Jahangir Khan Tareen* reported as 2022 SCMR 92.

<sup>2</sup> Reliance is placed upon PLD 2016 Sindh 168.

<sup>3</sup> 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.