

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

C. P. No. D – 1329 of 2024

(Umair Ali v. Federation of Pakistan & another)

Present:

Mr. Zulfiqar Ahmad Khan, J.

Mr. Abdul Mobeen Lakho, J.

Fresh case

1. For orders on CMA No.5296/2024 (U/A)
2. For orders on office objections at Flag-A
3. For orders on CMA No.5297/2024 (Ex./A)
4. For hearing of main case

Date of hearing : **24.09.2024**

Date of decision : **24.09.2024**

Mr. Moizuddin Qureshi, Advocate for petitioner.

ORDER

Zulfiqar Ahmad Khan, J. – Petitioner, a transporter and owner of the oil tanker having Registration No. K-8669 of Peshawar, claims that he transports used oil from Sukkur to Multan via GT Road and CPEC. In this regard, he has all the necessary documents including Registration Certificate, Valid Motor Vehicle Tax Receipts, Valid Fitness Certificate as well as requisite Permits for Transportation in Sindh, Punjab and Khyber Pakhtunkhwa. He further claims that despite adhering to all relevant regulations and producing the necessary documentation, his vehicle has been repeatedly subjected to unwarranted charges and fines. He, therefore, prays as follows:

- a. In view of the facts stated above, petitioner submitted that the fine imposed upon his vehicle was without any legal basis and requests that honorable court to quash the fine.*
- b. Initiate an inquiry into the misconduct and unprofessional behavior of the concerned police officers.*

- c. *Provide compensation for the undue harassment, delay, and inconvenience caused to me by the unjust actions of the authorities.*
- d. *Grant any other relief as may be deemed appropriate in the circumstances of the case.*

2. It is argued that petitioner's vehicle has been "marked" by the concerned departments (Motorway and Provincial Police etc.). This purported marking, according to the petitioner, has led to frequent inspections and stops, even when there is no apparent cause for suspicion. The petitioner alleges that these unwarranted interventions have caused significant disruptions to his business operations and have resulted in financial losses. Furthermore, the petitioner highlights the fact that he has consistently provided the necessary documentation to substantiate his claims of compliance with traffic regulations, but despite that the petitioner claims that he has been subjected to arbitrary charges and fines.

3. Though petitioner claims to have been unfairly targeted by the authorities and alleges that he has been informed by unnamed sources that his vehicle has been flagged by government departments that it is likely to be stopped and inspected frequently, leading to arbitrary charges and fines, but he has not been able to show concrete evidence to support this claim.

4. The fact is that a number of Traffic Tickets have been issued against the driver and the vehicle. A perusal of the challans issued to the petitioner shows that the same were issued due to various reasons like **driving recklessly, overloading of goods in excess of permissible limits, willful disobedience / obstruction of lawful orders, failing to stop when ordered by a police officer in uniform** etc. The driver seemingly has a history of non-compliance, which may have led to

increased scrutiny from regulatory bodies. This could include violations of safety protocols, environmental regulations or transportation laws.

5. Traffic in general and heavy vehicles including oil tankers in particular must adhere to strict regulations, including those related to safety, environmental impact and weight limits. Past fines or charges for overloading indicate a pattern of non-compliance and disobedience. The claim that the authorities have marked the vehicle is a presumption without concrete evidence, thus, lacks merit. The petitioner's history of non-compliance with regulatory requirements undermines his credibility. He nonetheless has alternate remedies to challenge the acts of traffic police through departmental and civil actions.

6. In view of the above, the instant petition is not maintainable and is accordingly **dismissed in *limine*** along with listed applications.

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Abdul Basit