

IN THE HIGH COURT OF SINDH, KARACHI

Const. Petition No. D - 2813 of 2022

PRESENT:

MR.JUSTICE AQEEL AHMED ABBASI
CHIEF JUSTICE
MR.JUSTICE ABDUL MOBEEN LAKHO

Syed Mehmood Akhtar Naqvi.....Petitioner

V E R S U S

Government of Sindh through Chief Secretary & others.....Petitioner

Date of Hearing 11.09.2023

Petitioner Syed Mehmood Akhtar Naqvi, present in person.

O R D E R

Abdul Mobeen Lakho, J. The instant Petition was dismissed along with other connected petitions vide Order dated 14.03.2023, which is self-explanatory and reproduced as under for ready reference:

"14.03.2023

Petitioner appearing in person is called absent.
Mr. Khurram Rashid, Advocate for respondent/PQA along with Shahnawaz Shaikh, Assistant Manager (Legal), PQA is present.
Mr. Muhammad Ayub Awan, Advocate for respondent/L.D.A.
Mr. Saeed Ahmed Kayani, Advocate for respondent/DHA in C.P.No.D-2844/2022.
Mr. Miran Muhammad Shah, Addl. A.G. Sindh.
Mr. Muhammad Qasim, DAG.

O R D E R

1. Petitioner in all the above Constitutional Petitions, namely, Syed Mehmood Akhtar Naqvi, is called absent, no intimation is received, whereas, above petitions are fixed as date by Court for orders as to maintainability of above petitions, whereas, most of the above petitions have been fixed on urgent applications filed by the petitioner requesting for a fix date by Court, however, he has chosen to remain absent without any intimation. Mr. Saeed Ahmed Kayani, Advocate has shown appearance and filed Vakalatnama for DHA in C.P.No.D-2844/2022 requested for time to file objections, however, submits that petition is not maintainable as it contains frivolous accusations,

disputed facts and vague allegations against respondent, whereas, petitioner is neither an aggrieved person, nor has any locus standi to file the above petition(s).

2. Similar objections as to maintainability of above petitions have been raised by learned counsel for the private respondents, namely, Mr. Khurram Rasheed and Mr. Saeed Ahmed Kayani, Advocates along with learned AAG and DAG present in Court, who submit instant petitions have been filed in the garb of public interest litigation, whereas, petitioner has no locus standi or any cause of grievance to invoke constitutional jurisdiction of this Court under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973, as all the petitions contain false and frivolous allegations and accusations of criminal in nature while merely referring to Newspaper cuttings, however, without any evidence or material to support the same. According to learned counsel for the respondents, as well as learned DAG and AAG, in all the aforesaid petitions generalized and vague allegations have been made against various Government Departments, public functionaries and private organizations, companies and individuals, however, the petitioner has not placed any documentary evidence or material to substantiate such frivolous allegations or accusations nor has referred to any specific order, decision, action or inaction of the respondents while may require any declaration or decision by this Court under Article 199 of the Constitution. It has been further contended that the petitioner is in the habit of filing frivolous petitions just to cause harassment to public functionaries as well as private parties, therefore, he has been put to notice by various benches of this Court to satisfy as to maintainability of above petitions as well as his locus standi to file these petitions, which he has miserably failed to explain inspite of repeated opportunities. It has been argued that petitioner is neither an aggrieved party nor any cause of action or grievance is disclosed to justify filing of these petitions or to invoke constitutional jurisdiction of this Court. According to learned counsel for the respondents, learned AAG and DAG, these type of petitions should not have been entertained by the office as the same do not disclose any lawful cause of action or grievance, which could be redressed by this Court under Article 199 of the Constitution. On the contrary, all these petitions have been filed with malafide intention and ulterior motives, not only to create harassment to various Government Departments, public functionaries, but also to public at large, hence amounts to abuse of process of law. According to learned counsel, in none of above petitions, any constitutional or legal point has been raised nor any declaration seeking enforcement of any of the fundamental rights has been sought, on the contrary, petitioner requires this Court to conduct inquiry or probe into seriously disputed facts on the basis of vague allegations, however, in the absence of any evidence or material having been placed on record. It has been prayed that above petitions are liable to be dismissed with heavy cost with the directions to the office not to entertain such petitions in future if filed by the same petitioner in similar manner.

3. We have heard learned counsel for the respondents as well as learned DAG and learned AAG, perused the record of all these petitions with their assistance, which prima-facie reflects that objection raised by the learned counsel for the respondents as well as learned DAG and learned AAG as to maintainability of these petitions have substance, therefore, petitioner has been put to notice by the Court to satisfy as to maintainability of these petitions. Perusal of the memo of petitions and the annexures attached therein, reflects that the petitioner is neither an aggrieved party nor has referred to violation or enforcement of any fundamental right. No grievance or cause of action has been disclosed to be entertained by this Court under

Article 199 while exercising its constitutional jurisdiction, whereas, all these petitions contain generalized vague allegations and accusations against various Government Departments, public functionaries, private organizations, companies and individuals, however, without any supporting evidence or material. It further transpired that most of the aforesaid petitions were filed on the same date i.e. on 09.05.2022 (C.P.Nos.D-2813 to 2820, 2822 to 2825 of 2022), whereas, C.P.Nos.D-2843 and 2844 of 2022 was filed on 10.05.2022, however, vide order dated 21.09.2022 it appears that all these petitions were tagged together and have been fixed as date by Court pursuant to urgent hearing application filed by the petitioner, however, the petitioner has chosen to remain absent and the matters were adjourned in the interest of justice, however, with the caution that if the petitioner fails to satisfy this Court as to the maintainability of these petitions in terms of orders dated 18.08.2022 and 29.08.2022, adverse order may be passed in these petitions. It also transpires that in some of the aforesaid petitions, the petitioner was directed to place certified copies of orders referred in the Memo of said petitions along with annexures, if any, however, record shows that compliance of such orders has also not been made and in spite of the fact that petitioner has the knowledge of fixation of these petitions today as date by Court, the petitioner has chosen to remain absent without any intimation, which reflects that petitioner has no explanation to offer as to maintainability of these petitions.

4. We are of the opinion that above petitions are totally misconceived and not maintainable as they contain frivolous allegations, vague accusations, however, without any evidence or material to support the same. Moreover, there is no reference to violation or seeking enforcement of any fundamental rights nor any declaration relating to any constitutional provision, statute, rules or regulation or any order or decision has been sought, whereas, generalized vexatious allegations and accusations have been leveled against functioning of various Government Departments, public functionaries, private organizations, companies and individuals, however, without any document or material to support the same. It has been informed that the same petitioner has filed hundreds of similar petitions in High Court, whereas, various benches have dismissed the same or have passed orders to satisfy the Court as to maintainability of such petitions. Accordingly, above petitions are beyond the scope of Article 199 of the Constitution, are not maintainable hence dismissed along with pending applications, without order as to costs. Petitioner is however, put to caution that if similar petition in the same format and with similar defects is filed by the petitioner in future, heavy cost will be imposed.

5. Office is directed not to entertain any such petition(s) if filed by the petitioner, and in case of any insistence by the petitioner, the matter may be placed before the relevant Bench for seeking permission of the Court before entertaining such petition. Copy of this order shall be placed in all the above petitions and also supplied to the Assistant Registrar of the concerned Branch to ensure compliance.

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2. Now the petitioner has filed urgent application along with application (CMA No.19987/2023) for recalling of the aforesaid order. The instant petition was dismissed as not maintainable with the observation that if similar petition in the same format and with similar defects is filed by the petitioner in future, heavy cost will be imposed.

3. The petitioner has inefficiently failed to furnish any cogent reason or ground for reconsideration. The order date 14.03.2023 was passed after due consideration of the facts and law and the petitioner's contentions were thoroughly addressed. Present application (CMA No.19987/2023) is merely rehashing of the previously considered arguments and no change in the circumstances has been established for recalling of the said order. The petitioner's attempt to re-agitate the settled issues amounts to an abuse of process as mentioned in Paragraph 4 of the dismissal order.

4. In view of the above, the application (CMA No.19987/2023) is hereby dismissed and above are the reasons of short order dated 11.09.2023.

JUDGE

jamil/nasir