

ORDER SHEET  
IN THE HIGH COURT OF SINDH AT KARACHI

CP D 7410 of 2022

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Date	Order with signature of Judge(s)
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1. For hearing of CMA No.31398/2022.
2. For hearing of main case.

**11.12.2024**

Dr. Shahab Imam, advocate for the petitioner.  
Mr. Fahad Hussain, advocate for the respondent.  
Mr. Anas Habib, advocate holding brief for Mr. Ghulam Shabbir Shah, advocate.

Per learned counsel for the respondent, the petitioner has no locus standi to prefer this petition, as no notice etc. has been issued thereto is subject matter herein. It is further added that the impugned notices have been issued to third party/ies; and they remained at liberty to assail the same before the appropriate forum and/or escalate any order, if aggrieved, before the statutory hierarchy. Learned counsel for the petitioner remained unable to dispel the same.

*Admittedly*, no notice assailed herein has been issued to the petitioner. The exercise of powers, per Article 199 of the Constitution, was required to be undertaken upon application of an aggrieved person<sup>1</sup>. The petitioner's counsel has been unable to qualify the petitioner within the definition of an aggrieved person<sup>2</sup>.

The prayer clause seeks to befall the grievance, albeit of strangers hereto, within its interpretation of an edict of the Supreme Court, however, no case has been set out as to why the said defense could not have been taken by the person concerned before the issuing authority. 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>3</sup>

No case has been set forth before us to merit the invocation of the discretionary<sup>4</sup> writ jurisdiction of this Court; therefore, this petition is hereby dismissed.

Judge

Judge

Khuhro/PA

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<sup>1</sup> Barring certain exceptions, i.e. writ of quo warranto, however, no case was made out to qualify the present petition within an exception recognized by law; 2019 SCMR 1952.

<sup>2</sup> *Raja Muhammad Nadeem vs. The State* reported as PLD 2020 Supreme Court 282; *SECP vs. East West Insurance Company* reported as 2019 SCMR 532.

<sup>3</sup> Reliance is placed upon PLD 2016 Sindh 168.

<sup>4</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.