

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

CP D 908 of 2025

DATE	ORDER WITH SIGNATURE OF JUDGE
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1. For order on Misc. No.4882/2025
2. For order on Misc. No.4883/2025
3. For order on Misc. No.4884/2025
4. For hearing of main case

18.03.2025

Mr. Shamail Sikandar, advocate for the petitioner

1. Granted.
2. Granted subject to all just exceptions.
- 3-4. Per learned counsel CP D 155 of 2025 was disposed of vide order dated 29.01.2025, in the following terms :

“Statement filed on behalf of petitioner’s counsel is taken on record. It is jointly submitted that the application filed by the petitioner dated 22.01.2025 shall be determined expeditiously, preferably within ten days, after providing opportunity of hearing to the petitioner. It is jointly stated that the petition may be disposed off in the above terms. Order accordingly”

Learned counsel refers to the order at page 25, dated 19.02.2025, whereby the application was heard and determined. Learned counsel states that the petitioner remained aggrieved and since there is no further provision of appeal, hence this petition.

The impugned order is reproduced herein below :

“Subject: **PERSONAL HEARING OF M/S LION IMPORT AND EXPORT IN CONNECTION WITH THE COURT ORDER DATED 29/01/2015, C.P.NO D-155**”

In compliance of the Honorable High Court order in C.P No. 155 of 2025 dated: 29-01-2025, the opportunity of personal hearing was extended on 04-02-2025. Mr. Muhammad Nouman (Representative of M/S Lion Import and Export) and Mr. Abdul Razzak (Authorized agent for M/S Lion Import and Export) appeared on the scheduled date. Dr. Muhammad Basit (Director Technical, DPP) and Mr. Ghalib (Scientific Officer, DPP) represented the department.

2. *Mr. Muhammad Nouman insisted for resampling and retest on the grounds that, the betel-nuts are of good quality and same has been tested accordingly in the country of origin. He further pointed out that the high infestation of aflatoxin appeared because of samples taken on 13-12-2024 and lab test on 08-01-2025. He also requested for time for additional observations but did not turn up with any further evidence.*

3. *Dr. Muhammad Basit discussed the scientific reasons of growth of aflatoxin like humidity and storage conditions, it is a secondary metabolite which is produced/secreted in specific circumstances. Further, regarding the integrity of the samples, Mr. Muhammad Nouman did not raise any doubt.*

4. *In view of the above, the department is constrained to hold that the reasons for resampling/retest no scientific basis, hence request is regretted.*

This issues with the approval of Plant Protection Advisor and Director General, DPP”

The impugned order was rendered in compliance with the order of this court in another petition and has reasonable grounds for the conclusion drawn. There is no jurisdictional defect and / or malafide apparent and absence of statutory remedy does not give automatic rise to a cause in writ jurisdiction, as observed by the Supreme Court in the case of Gul Taiz Khan Marwat vs. The Registrar, Peshawar High Court, Peshawar (PLD 2021 SC 391). In view hereof no case is made out to entertain this petition which is hereby dismissed in limine along with pending application/s.

Judge

Judge