

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

CP D 3841 of 2016

DATE	ORDER WITH SIGNATURE OF JUDGE(S)
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1. For orders on office objection.
2. For hearing of CMA No.19027/2016.
3. For hearing of main case.

20.03.2025

Mr. Mushtaque Hussain Qazi, advocate for the petitioner.
Mr. Kashif Nazeer, Assistant Attorney General.

This present petition is pending since 2016 without any progress, however, the final order passed after exhausting the statutory adjudication process remain suspended, as an interim measure, ever since.

Briefly stated, an order dated 30.05.2016 rendered in Islamabad by the President of Pakistan has been impugned before this Court. Upon query as to why writ jurisdiction was invoked in such regard, learned counsel states that since the statutory hierarchy / appellate process had already been exhausted, therefore, the petitioner was left with no remedy except to prefer a writ. Insofar as the objection as to territorial jurisdiction is concerned, learned counsel submits that the petitioner is based in Karachi and the respondent is present all over Pakistan.

It is settled law that the ambit of a writ petition is not that of a forum of appeal, nor does it automatically become such a forum in instances where no further appeal is provided¹, and is restricted *inter alia* to appreciate whether any manifest illegality is apparent from the order impugned. It is trite law² that where the fora of subordinate jurisdiction had exercised its discretion in one way and that discretion had been judicially exercised on sound principles the supervisory forum would not interfere with that discretion, unless same was contrary to law or usage having the force of law.

The impugned order has been perused and no jurisdictional defect, mala fide etc. has been identified therein and / or that it could not be rested on the rationale relied upon.

The matter of territorial jurisdiction is also well settled; as may be denoted from the *Sandalbar case*³ and recently encapsulated by *Syed Mansoor Ali Shah J* in the *A F Furguson case*⁴. This Court has held in *Safe Mix Concrete*⁵ that mere existence of the claimant within the

¹ Per *Ijaz ul Ahsan J* in *Gul Taiz Khan Marwat vs. Registrar Peshawar High Court* reported as *PLD 2021 Supreme Court 391*.

² Per *Faqir Muhammad Khokhar J.* in *Naheed Nusrat Hashmi vs. Secretary Education (Elementary) Punjab* reported as *PLD 2006 Supreme Court 1124*; *Naseer Ahmed Siddiqui vs. Aftab Alam* reported as *PLD 2013 Supreme Court 323*.

³ *Sandalbar Enterprises Pvt. Ltd. vs. Central Board of Revenue* reported as *PLD 1997 Supreme Court 334*.

⁴ Order dated 27.02.2024 in *CIR LTO Karachi vs. A F Furguson & Company & Others (Civil Petition 52 of 2024)* and connected matters.

⁵ Per *Muhammad Junaid Ghaffar J* in *Safe Mix Concrete Limited vs. Federation of Pakistan & Others* reported as *2020 CLC 602 2020 PTD 263*. Reliance was also placed upon *Murlidhar P Gangwani vs. Engineer Aftab* reported as *2005 MLD 1506*; *Dewan Scrap vs. Customs, Central Excise & Sales Tax Tribunal* reported *2003 PTD 2127*; *Sandalbar Enterprises Pvt. Ltd. vs. Central Board of Revenue* reported as *PLD 1997*

territorial remit confers no jurisdiction upon this court; especially when the principal respondent, against whom the primary relief is claimed, is beyond the territorial jurisdiction.

In view of foregoing, this petition is found to be misconceived, hence, dismissed.

Judge

Judge