

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

CP D 1149 of 2020
CP D 140 of 2018

DATE	ORDER WITH SIGNATURE OF JUDGE
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1. For hearing of CMA No.5357/2020
2. For hearing of main case

27.03.2025

Mr. Mushtaque Hussain Qazi, advocates for the petitioner

Ms. Zakia advocate holds brief for Mr. Ameer Bakhsh Metlo, advocate for respondent

Ms. Mehreen Ibrahim, Deputy Attorney General

Per learned counsel, numerous petitioners have filed these two petitions impugning the individual show cause notices issued thereto. He states that few have subsequently been decided while the rests remain.

These petitions assail show cause notice/s directly in the writ jurisdiction of this Court. The impugned notice/s provide/s an opportunity and forum to the petitioner to state its case, however, the petitioner has unjustifiably elected to abjure the opportunity / forum provided and approach this Court directly. No case has been set out as to why the any reservation with regard to the impugned notice/s could not have been taken before the issuing authority. Default by the petitioner in seeking recourse before the statutory hierarchy could not be demonstrated to denude the statutory forum of its jurisdiction; or confer the same upon this court. Therefore, no case could be articulated for direct recourse to writ jurisdiction in the presence of adequate remedy having been provided under the law.¹

The Supreme Court also consistently deprecated the tendency to shun the dispute resolution mechanism provided by statute and seek direct recourse to the High Court; as seen in *Jahangir Khan Tareen*², approved in Judgment dated 15.09.2022 rendered in *DCIR vs. Digicom Trading (CA 2019 of 2016)* The aforementioned ratio is squarely applicable to the present facts and circumstances.

In summation, no case has been set forth before us to merit the invocation of the discretionary³ writ jurisdiction of this Court; therefore, both these petitions are hereby dismissed. Office is instructed to place copy of this order in connected matter.

Judge

Judge

Amjad

¹ Reliance is placed upon PLD 2016 Sindh 168.

² Per Muhammad Ali Mazhar J. in *CIR vs. Jahangir Khan Tareen* reported as 2022 SCMR 92.

³Per 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.