

IN THE HIGH COURT OF SINDH AT KARACHI
C.P.No.D-7477 OF 2022

Date	Order with Signature of Judge
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PRESENT:
MR. JUSTICE YOUSUF ALI SAYEED, J.
MR. JUSTICE ZULFIQAR ALI SANGI, J.

Saeed Pouran, Inheritor of Mr.Shahdak Pouran
versus
Federation of Pakistan & others

Date of Hearing 14.01.2026.

Mr. Abdul Ghaffar, Advocate for the Petitioner.
Syed Noman Zahid Ali, Advocate for Respondent.
Ms. Shazia Hanjrah, D.A.G.

ORDER

ZULFIQAR ALI SANGI, J: Through instant petition the Petitioner has prayed for the following relief:-

- “i). To hold that Orders dated 23.02.2021 and dated 26.10.2021 passed by the Learned Civil Judge & Judicial Magistrate XI Karachi, West in Criminal case No. 1309/2020 do not restrain the Federal Government (the Respondents) to decide the application of the Petitioner in his favour for release of "Al-Rahmani Boat" as per policy / rules of the Government.

- ii). To direct the Respondents to pass appropriate order on the Petitioner's applications dated 23.11.2021 and 28.12.2021 submitted through Consulate General of Iran by establishing necessary coordination to get release of "Al-Rahmani Boat" to the Petitioner.

- iii). To pass orders as may deem fit and proper in the circumstances of present Petition.”

2. Briefly stated, the facts as narrated in the memo of petition are that the petitioner, a citizen of the Islamic Republic of Iran, claims to

be the lawful owner of a fishing vessel namely “Al-Rahmani,” Engine Boat No.25336 (Model-2009), duly registered in Iran. The said boat was apprehended on 08.06.2020 by the Pakistan Maritime Security Agency, resulting in the registration of FIR No.401/2020 and institution of Criminal Case No.1309 of 2020. The Iranian fishermen found onboard were convicted for the period already undergone and thereafter deported. However, the petitioner’s application for release of the boat was dismissed and the vessel was declared to be the property of the Federal Government. Subsequently, the ownership documents were verified by the Iranian authorities and found to be genuine. Despite repeated representations and applications made through the Ministry of Foreign Affairs, the boat has not been released and continues to remain in custody, allegedly deteriorating with the passage of time. Hence, the petitioner has invoked the constitutional jurisdiction of this Court.

3. Learned counsel for the petitioner contended that the petitioner, being the lawful owner of the boat, is entitled to its restoration, at least on superdari, and undertook to produce the same whenever required by the competent forum. It was argued that the Iranian nationals were proceeded against under the Foreign Act, which prescribes a specific mechanism for confiscation, and that the continued retention of the boat by the Maritime Agency is unlawful. It was further submitted that the boat is not case property and has been seized without following due process of law, and that its negligent storage is causing irreparable loss. Learned counsel ultimately prayed for directions to the Respondents to decide the petitioner’s pending applications.

4. Conversely, learned counsel for the Respondents and the learned Deputy Attorney General raised a preliminary objection regarding maintainability, contending that the learned Judicial Magistrate had already dismissed the petitioner’s applications vide orders dated 23.02.2021 and 26.10.2021, which were never challenged and, therefore, have attained finality. It was submitted that in view of the said orders, the petitioner has no subsisting right to seek any relief under the constitutional jurisdiction of this Court.

5. We have heard the learned counsel for the parties and the learned Deputy Attorney General and have perused the available record with their assistance.

6. A careful perusal of the petition reveals that the petitioner is primarily seeking directions to the Respondents for deciding his applications dated 23.11.2021 and 28.12.2021. Although it is an admitted position that the orders passed by the learned Magistrate have not been challenged and have attained finality, the present petition does not seek to set aside those orders. Rather, the petitioner is merely seeking a decision on his pending applications submitted before the concerned Federal authorities.

7. It is a settled principle of law that every citizen is entitled to have his representation or application decided by the competent authority strictly in accordance with law. The non-challenge to the orders passed by the learned Magistrate does not, in itself, preclude the Respondents from considering and deciding the petitioner's applications in accordance with the relevant rules, policy, and law.

8. In view of the above circumstances, without touching the merits of the controversy or the legality of the orders passed by the learned Magistrate, this petition is allowed to the extent that the Respondent No.1, namely the Ministry of Foreign Affairs, Government of Pakistan, is directed to decide the petitioner's applications dated 23.11.2021 and 28.12.2021, after affording an opportunity of hearing to all concerned parties, strictly in accordance with law, within a period of thirty (30) days from the date of receipt of this order.

Judge

Judge