

HIGH COURT OF SINDH CIRCUIT COURT, HYDERABAD

C.P. No.D-1848 of 2025

[Niyaz Ahmed vs. Province of Sindh and Others]

BEFORE:

JUSTICE ADNAN-UL-KARIM MEMON
JUSTICE RIAZAT ALI SAHAR

Mr. Qurban Ali Khumbhar, advocate for the petitioner

Mr. Akhtar Hussain Laghari, advocate for respondents No.2 & 3

Ms. Shamim Mughal, Assistant Attorney General

Mr. Rafique Ahmed Dahri, Assistant A.G. Sindh

Date of hearing & decision: 27.11.2025

ORDER

ADNAN-UL-KARIM MEMON J.- Through the captioned petition, the petitioner seeks direction against respondent Nos. 2 & 3/ the President and General Secretary of the Press Club, Tando Allahyar, to restore his membership in the Tando Allahyar Press Club.

2. Learned counsel submits that the petitioner was previously a member of Tando Allahyar Press Club as journalist/media person associated with Time News TV Channel and Daily Pehnji Akhbar. Subsequently, upon his induction into government service, he resigned from Club membership. The petitioner has now left government service and has made repeated requests to respondents 2 & 3 for restoration of his membership. However, they maliciously failed to accede to his requests; hence he prayed to allow the instant petition.

3. Learned Assistant Attorney General as well as learned Asstt: Advocate General Sindh challenged the maintainability of the petition on the ground that the petitioner has sought relief against respondents 2 & 3, who are private entities; as such, no writ can be issued in the matter. They prayed to dismiss the instant petition.

4. Mr. Akhtar Hussain Laghari, advocate, while filing power on behalf of respondents 2 & 3, adopted the arguments advanced by learned State Counsel and prayed for dismissal of the instant petition.

5. We have heard learned counsel for the parties and perused the material available on record.

6. Having heard learned counsel for the parties and perused the record, this Court has noted that the present petition is directed against respondents 2 & 3, namely President and General Secretary of the Tando Allahyar Press Club a private association/organization, not a State entity, statutory authority or public body. It is well-settled that writ/judicial-review jurisdiction under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973 lies primarily against “the State” or persons / authorities acting in connection with the affairs of the Federation or a Province or a local authority not against private persons/entities for disputes of private or internal nature. The matter before this Court is essentially one of restoration of membership in a private body an internal administrative/ contractual matter concerning membership and not a public law question affecting broader public interest or fundamental rights that require State action. That being so, the dispute is properly a private law / civil matter, not a matter for constitutional writ jurisdiction. See generally the discussion in legal commentaries on writ jurisdiction and private sector disputes. Moreover, the petitioner has not shown any statutory duty, public-law function, or public-interest dimension of the Press Club that would justify extending writ/judicial-review jurisdiction over it. What is sought is restoration of membership in a private club, essentially a private contractual/associational right.

7. Accordingly, this Court holds that the present constitutional petition is not maintainable. The petition is dismissed. The petitioner is at liberty to pursue appropriate remedy available under civil law or the rules governing membership of the Press Club (if any), but not by way of writ under Article 199 of the Constitution.

JUDGE

JUDGE

Karar Hussain/PS*