

**ORDER SHEET**  
IN THE HIGH COURT OF SINDH KARACHI  
C.P. No. D-2986 of 2016

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DATE	ORDER WITH SIGNATURE OF JUDGES
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1. For hearing of CMA No. 15245/2016
2. For hearing of main case.

**07.03.2019**

**Present: Mr. Justice Muhammad Ali Mazhar  
Mr. Justice Agha Faisal**

Mr. Farooq Hashmat Abbasi, advocate for the petitioner  
Mr. M. Zubair Qureshi, Advocate for Respondents No. 2 to 6  
Mr. Muhammad Yousuf Rahopoto, Assistant Advocate General

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**Muhammad Ali Mazhar.J:-** According to the contents of petition, petitioners are dental surgeons and members of Pakistan Dental Association. They have arrayed Respondents No. 2 to 6, who are holding different offices in the Pakistan Dental Association. The petitioners have challenged the amendments in the Constitution of aforesaid association being illegal, also sought directions against the Central Council to nominate election Commission, they have also sought suspension of result of PDA Branch Karachi Elections, directions have been sought against the Respondent No. 2 to circulate new Constitution to the all Zones, Branches and Provinces. Petitioners have also sought the permanent injunction for restraining the Respondents No. 2 to 6 from conducting PDA Elections Karachi Branch.

On 19.02.2019, while learned Counsel for the petitioner arguing the matter, we raised a query on Court motion as to how this petition is maintainable against the Pakistan Dental Association, which is a private association of medical practitioners and not amenable under writ jurisdiction. Learned Counsel for the petitioners sought time to satisfy on this issue. Today, though he argued the matter at some length but after all he submits that petitioner will file Civil Suit for the relief claimed

in this petition. We are of the view that petition is not maintainable against private association. Learned Counsel for the Petitioners referred to judgment of Pakistan Telecommunication Company Limited vs. Muhammad Zahid (2010 SCMR 253), which is distinguishable. Neither in this private association, the government has any role to play nor this association is performing any functions in connection with the affairs of Federation or Province or local authority. Learned Counsel pointed out sub-Article 5 of Article 199, which defines the person and includes any body politic or corporate, any authority of or under the control of the Federal Government or of a Provincial Government, and any Court or Tribunal, other than the Supreme Court, a High Court or a Court or Tribunal established under a law relating to the Armed Forces of Pakistan. This definition is also not helpful to the case of the petitioners.

Petition is dismissed in *limine*, however, the petitioner may file civil suit subject to all just exceptions.

**JUDGE**

**JUDGE**

FAISAL MUMTAZ/PS\*