

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
CP D 3331 of 2019

Order with signature of Judge

Present: **Mohammad Ali Mazhar and Agha Faisal, JJ.**

- 1. For orders on CMA 14986 of 2019*
- 2. For orders on CMA 14987 of 2019*
- 3. For hearing of main case*

Date of hearing 20.05.2019

Mr. Raashid Anwer, Advocate for the Petitioner.
Mr. Kafeel Ahmed Abbasi, DAG.
Syed Hakim Masood, Federal Inspector Drugs, DRAP,
Karachi

Muhammad Ali Mazhar J., Learned counsel argued that in terms of the consolidated judgment dated 16.04.2019 passed by this Bench in CP D 398 of 2019 and connected matters, the petitioner has filed appeal before the Appellate Board in view of directions given by this Court as well as directions in the judgment passed by the hon'ble Supreme Court in HRC No. 2858/2006. The grievance of the petitioners is that despite filing appeals and stay applications before the Appellate Board in terms of the DRAP Laws the appeals have not been heard nor any order has been passed in such regard and communicated to the petitioners. It is further submitted that despite the stay applications, and appeals, not having been ordered upon, the DRAP authorities are raiding the premises of the petitioners and continuously taking coercive action without waiting for the decision of the appellate Board. It is further contended that the delay in deciding the stay applications, in the very least, is attributable solely to the Appellate Board, yet the petitioners are being made to suffer.

2. Today Syed Hakim Masood, Federal Inspector of Drugs, DRAP, Karachi has shown appearance and submits that the appellate Board will start hearing the appeals immediately after Eid vacations and the appeal of the petitioner will also be fixed for hearing.

3. In similar controversy we passed the order dated 16.05.2019 in CP D-3328 and 3332 of 2019 in which also the appeals were heard by the Appellate Board, but no order was communicated to the petitioners.

4. Learned counsel for the petitioners had drawn our attention to a Full Bench judgment of this Court *Pak Saudi Fertilizers vs. Federation of Pakistan & Others* reported as 2002 PTD 679, relied upon in the consolidated judgment dated 16.04.2019 passed by this Bench in CP D 398 of 2019 and connected matters, wherein initiation of coercive measures without having decided pending applications for interim relief was deprecated.

5. Since it is categorically stated by the representative of the DRAP that appeals have been filed by the petitioners but the same have been heard by the Board as yet, therefore, we are of the view that till decision of the pending appeals, the DRAP authorities should stay their hands from taking any coercive action, otherwise, the whole purpose of the appeal would become infructuous.

6. Learned DAG is also of the view that till final orders passed by the Appellate Board no coercive action should have been taken by the DRAP against the petitioners.

7. As a result of above discussion, this petition is disposed of on the statement of the FID, DRAP that soon after Eid vacations the appeals of the petitioners shall be heard and decided by the Appellate Board and order communicated to the petitioner. Till decision of the appeals no coercive action shall be taken by the DRAP against the petitioners.

8. This petition alongwith pending applications is hereby disposed of in the above terms.

JUDGE

JUDGE

