

ORDER SHEET
HIGH COURT OF SINDH, KARACHI

C.P. No.D-6684 of 2018

Date	Order with signature of Judge
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Present

Mr. Justice Muhammad Ali Mazhar.

Mr. Justice Agha Faisal.

Mushtaq Ahmed Qureshi & othersPetitioners

Versus

The Vice Chancellor,

University of Karachi & othersRespondents

Date of hearing 05.12.2018

Ms. Nighat Khan advocate for the petitioners.

Mr. Shoaib M. Ashraf advocate for the respondents a/w M/s.
Ameeruddin and Aun Abbas Rizvi advocates.

Mr. Miran Muhammad Shah, Addl. A.G.

Muhammad Ali Mazhar, J: The petitioners through this writ petition have sought a prohibitory order against the respondents not to allocate new contracts in respects of canteen/shops of the academic wing of Karachi University in subsistence of the leases already existing in favour of the petitioners.

2. Learned counsel for the Karachi University has filed counter affidavit in which it is clearly stated that petitioners are merely licensees and they cannot claim vested right against the licensed premises. He further submits that the tenders were invited in the newspapers for the bids of awarding licenses of the premises in question and it was a open tender in which the petitioners could have also applied but they have not participated in the tender proceedings. It is

clear from the relief claimed in this petition that the petitioners have brought a contractual dispute and raising plea that petitioners are not licensees but the lessees of the respondents. Whether the petitioners are licensees or lessees, it is factual controversy which cannot be resolved in constitutional jurisdiction but can be thrashed out only through civil suit.

3. Learned counsel for the petitioners argued that on the basis of the alleged license, the petitioners invested huge amount for the construction of the shops/canteen with this hope that they will be allowed to continue. However, after arguing at some length on the question of maintainability, learned counsel for the petitioners on the instructions of some of the petitioners present in court agrees that they will file civil suit for the redressal of their grievance and she requests that some time may be allowed to file suit in which the respondents may be restrained not to take any adverse action. Learned counsel for the Karachi University agrees to this proposal. Petition is disposed of with this order that the petitioners may file civil suit if so advised in accordance with law, however, within seven (07) working days from today the respondents shall not take any adverse action against the petitioners.

JUDGE

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