

IN THE HIGH COURT OF SINDH AT KARACHI

Present: **Yousuf Ali Sayeed and Agha Faisal, JJ.**

CP D-4351 of 2020 : Tariq Mansoor Advocate vs.
Federation of Pakistan & Others

For the Petitioner : Mr. Tariq Mansoor Advocate
(In Person)

Date of hearing : 16.09.2020

Date of announcement : 16.09.2020

ORDER

Agha Faisal, J. (1) Granted. (2) Granted subject to all just exceptions. (3) The present petition has been instituted on 14.09.2020 assailing the Notification dated 15.04.2020¹ (“Impugned Notification”) whereby the Department of Stationary & Forms Headquarter Karachi (“Department”) was wound up and its functions assigned to other Government departments.

2. At the very onset the petitioner, appearing in person, was required to address the Court with respect to the maintainability of the petition. The basic argument of the petitioner was that winding up of the Department was repugnant to Article 19A² as it curtailed access to information, hence, in the public interest.

3. It is noted from a bare perusal of the Impugned Notification that it does not place any restraint upon access to information. The functions appear envisaged to continue to be performed, albeit by other department/s of the Government, ostensibly as a step in pursuance of reorganization. The petitioner has been unable to articulate the existence of any harm that such reorganization may cause to the public interest.

4. The delay in institution of the present petition is also apparent from the record and no argument was advanced to justify the five intervening months between the date of the Impugned Notification and the present petition.

5. The exercise of powers, per Article 199 of the Constitution, was required to be undertaken upon application of an aggrieved person³. The petitioner has made no submission before us to suggest that he falls within the definition of an aggrieved person⁴.

¹ Published in the Gazette dated 22.04.2020.

² 19A. Every citizen shall have the right to have access to information in all matters of public importance subject to regulation and reasonable restrictions imposed by law.

³ Barring certain exceptions, i.e. writ of *quo warranto*, however, no case was made out to qualify the present petition within an exception recognized by law; 2019 SCMR 1952.

⁴ *Raja Muhammad Nadeem vs. The State* reported as PLD 2020 Supreme Court 282; *SECP vs. East West Insurance Company* reported as 2019 SCMR 532.

6. In view of the reasoning and rationale herein contained, we are of the considered view that the petitioner has been unable to set forth a case for the exercise of extra ordinary Constitutional jurisdiction by this Court, hence, this petition is hereby dismissed *in limine*.

JUDGE

JUDGE

Khuhro/PA