

IN THE HIGH COURT OF SINDH AT KARACHI

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

CP D-2860 of 2020 : Syed Mehmood Akhter Naqvi
vs. Chief Minister & Others

For the Petitioner : Mr. Syed Mehmood
Akhter Naqvi
(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 filed against the Chief Minister and others assailing the purported allocation / assignment of vehicles belonging to the Government of Sindh premised upon a photocopy of a news item allegedly published in *Roznama 92 News* on 02.02.2020.

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 petitioner argued *simpliciter* that it was the duty of the Court to determine the veracity of the allegations levelled as the same would be in the larger public interest.

3. It is observed that relief was sought against the Chief Minister notwithstanding Article 248¹ that precludes such an endeavour. The protection envisaged, in respect of holders of cited offices, has been a consistent feature of our Constitutional history² and the present petition disregards the settled principle of law.

4. It is also noted that the petitioner requires this Court to enter into a fact finding exercise, based upon nothing more substantial than the conjectures and surmises of the petitioner, notwithstanding settled law that settlement of factual³ issues was discouraged in the exercise of Constitutional jurisdiction. No justification was articulated as to how this Court could sanction such an exercise in view of the prevailing law.

5. The exercise of powers, per Article 199 of the Constitution, was required to be undertaken upon application of an aggrieved person⁴.

¹ **248. Protection to President, Governor, Minister, etc.**-(1) The President, a Governor, the Prime Minister, a Federal Minister, a Minister of State, the Chief Minister and a Provincial Minister shall not be answerable to any Court for the exercise of powers and performance of functions of their respective offices or for any act done or purported to be done in the exercise of those powers and performance of those functions...

² *Para materia* provisions are Section 306 of the Government of India Act 1935, Article 233 of the 1956 Constitution and Article 116 of the 1962 Constitution.

³ *2015 PLC 45 & 2015 CLD 257.*

⁴ 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.*

The petitioner has made no submission before us to suggest that he falls within the definition of an aggrieved person⁵.

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

⁵ *Raja Muhammad Nadeem vs. The State* reported as *PLD 2020 Supreme Court 282*; *SECP vs. East West Insurance Company* reported as *2019 SCMR 532*.