

IN THE HIGH COURT OF SINDH AT KARACHI

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

CP D-2755 of 2020 : Syed Mehmood Akhter Naqvi
vs. Federation & Others

For the Petitioner : Mr. Syed Mehmood
Akhter Naqvi
(In Person)

Date of hearing : 17.09.2020

Date of announcement : 17.09.2020

ORDER

Agha Faisal, J. (1) Granted subject to all just exceptions. (2) The present petition has been filed seeking recovery of One hundred & Sixty Two Billion Rupees from the Federation, for the Province, premised upon photocopies of news items allegedly published in *Roznama 92 News*, stipulating that the same had earlier been pledged to the Province.

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 that recovery of the pledged amount was required to be facilitated by this Court in the public interest.

3. It is observed that the petitioner seeks to agitate an issue pertaining to the comity of the federating units despite Article 184¹ of the Constitution, conferring original jurisdiction in such regard exclusively upon the august Supreme Court. No justification was articulated as to how this Court could exercise jurisdiction in view of the prevailing law.

4. The exercise of powers, per Article 199 of the Constitution, was required to be undertaken upon application of an aggrieved person². The petitioner has made no submission before us to suggest that he falls within the definition of an aggrieved person³.

5. 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

¹ 184. Original jurisdiction of Supreme Court.-(1) The Supreme Court shall, to the exclusion of every other Court, have original jurisdiction in any dispute between any two or more Governments.

² 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.

³ *Raja Muhammad Nadeem vs. The State* reported as PLD 2020 Supreme Court 282; *SECP vs. East West Insurance Company* reported as 2019 SCMR 532.