## ORDER SHEET IN THE HIGH COURT OF SINDH, KARACHI

C.P. No.D-993 of 2020

Date Order with signature of Judge

## **Present**

Mr. Justice Muhammad Ali Mazhar Mr. Justice Yousuf Ali Sayeed

Rahim Bux.....Petitioner

Versus

## 07.10.2020

Sardar Sher Afzal, Advocate for the Petitioner. Mr. Umar Hayat Sandhu, Advocate for Respondent Nos.1 & 2/Pakistan Maritime Security Agency (PMSA) a/w Cdr. Sami Waheed, Director (Legal Affairs), PMSA.

-----

Muhammad Ali Mazhar, J: The petitioner has approached this court with the prayer that the fishing boat Raheemi No.3/12189 detained by respondent Nos.1 and 2 is not involved in any unlawful act or violation of territorial water limits, therefore, the directions may be issued to the respondents to permit the petitioner to depart the aforesaid fishing boat to its origin.

2. The comments have been filed by respondent Nos.1 and 2 in which it is categorically stated that the petitioner is not a bonafide owner of the boat "Raheemi" as no name of the boat is mentioned on annexures A, B and C attached by the petitioner in support of this Constitution Petition. It is further stated that there is a clear difference in number of the boat. The number of the boat written in the FIR No.51/2019 is "3/12189", whereas the number of boat mentioned in the alleged title documents brought by the petitioner is "3/12179". Since the respondent Nos.1 and 2 have challenged the ownership of the petitioner, we have also gone through the relevant documents attached with the petition. It is correct that in Annexure A, which is the certificate of registry for Small Vessels, the number of vessel is "3/12179",

whereas in the FIR No.51/2019 lodged at P.S. F.I.A. Gawadar on 03.09.2019 the boat number is "3/12189". It is further revealed from the charge framed against five accused persons on 13.09.2019 by the Judicial Magistrate, Gawadar in the same crime that they were arrested on the allegation of having no legal documents/authorization/visa which is an offence under Section 14 of Foreigner Act.

3. Under the constitutional jurisdiction, it is not the province of this court to decide the disputed questions of facts or the title of the detained vessel "Raheemi". Cdr. Sami Waheed, Director (Legal Affairs), Pakistan Maritime Security Agency (PMSA) submits that if the original owner of the boat will approach to them and produce all original documents showing their title, they will first conduct the inquiry and further action shall be taken in accordance with law. Counsel for the petitioner is satisfied on this statement. Petition is disposed of accordingly.

Judge

Judge

Asif