

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

Before:
Ahmed Ali M. Shaikh, CJ
Yousuf Ali Sayeed, J

CP No.D-6028 of 2021

Fresh Case

1. For orders on Misc. No.25466/2021 (urgent)
2. For orders on Misc. No.25467/2020 (exemption)
3. For orders on Misc. No.25468/2021 (stay)
4. For hearing main case.

Date of 11.10.2021

Mr. Khalid Hussain Shar, Advocate for petitioners.

AHMED ALI M. SHAIKH, CJ.- Petitioners by invoking the Constitutional Jurisdiction of this Court, inter alia, seeks orders restraining the Respondents No.2 to 6 from conducting “**open auction**” of commercial plots of Shah Latif Town, Scheme No.25-A, (the “**Town**”) Malir Development Authority; audit report from the Respondents with regard to the development work, maintenance of computerized record of each and every allottee and conducting inquiry against the said Respondents for their involvement in corruption and illegal sale of residential and commercial plots of the Town, etc.

2. It is, inter alia, contended that the Respondents No.2 to 6 are involved in acts of corruption and engaged in corrupt practices. Besides, they used to auction commercial and residential plots of the Town without providing basic infrastructure, water and drainage lines, repair of roads, etc. It is submitted that the Respondents are well known as being corrupt and to have siphoned of public money meant for the improvement of the basic infrastructure of the Town, hence, they may be restrained from conducting a forthcoming open auction of commercial plots. However, when learned counsel was asked as to the petitioner’s locus standi to challenge the open auction of the plots, he merely submitted that the petitioner are doing the business of real estate, as such, they are well within their rights to approach this Court.

3. We have considered the submissions advanced by the learned counsel and also perused the memo of petition, which, prima facie, does not reflect violation of any rule, regulation or law in respect of the scheduled open auction of commercial plots in the Town. Besides, there is no material on the record to support that the said exercise would suffer from favouritism or nepotism. Moreover, the petitioners are said to be the real estate agents and have approached this Court seeking restraining orders when within few days auction of commercial plots of the Town is going to be held. To a query as to how fundamental rights of the petitioners guaranteed in the Constitution have been violated the learned counsel was answerless. In the circumstances, on the basis of mere surmises, bald and evasive allegations levelled by the petitioners the petition is not maintainable and a scheduled open auction proceedings of commercial plots in the Town cannot be stayed. Consequently, the petition in hand merits no consideration and while granting the misc. application seeking urgent hearing dismiss the same alongwith pending applications.

Judge

Chief Justice