

**IN THE HIGH COURT OF SINDH,
CIRCUIT COURT, HYDERABAD**

C.P No.D-1328 of 2021

BEFORE:

Mr. Justice Adnan-ul-Karim Memon
Mr. Justice Adnan Iqbal Chaudhry

Petitioner(s) : Mehboob Ali Rind through
Mr. Sajid Ali Gorar, Advocate.

Respondents 2 &3 Through Mr. Fayaz Ahmed Leghari Advocate

Respondent No.4 : Rajib Ali Shahani through Darya Khan Gadhi,
Advocate
Mr. Ashfaque Nabi Qazi, Asst. Attorney General

Date of Hearing & Order : 21.10.2021

ORDER

ADNAN-UL-KARIM MEMON, J:- Through this petition, petitioners have challenged the appointment of respondent No.4 as Focal Person in SEPCO District Dadu with following prayers:

- a. Declare the appointment of respondent No.4 as Focal Person SECPO District Dadu, made by respondent No.5 whether orally or vide Notification if any, as illegal, unlawful, null and void ab-initio, without any lawful authority and is of no legal effect, as neither the Electricity Act 1910 nor the SEPCO Rules contain any provision regarding appointment of Focal Person i.e. political person for SEPCO to run its affairs and business, being the government agency Established under the law to serve the Public at Large, through its public servants duly appointed under service laws rather than political persons.
- b. Further direct the official respondents to issue approved transformer of 100 KV at the village of petitioner No.1 and issue new transformer at the Mohallah of petitioner No.2 and further direct them to restore the disconnected electricity connections having been disconnected at the instructions of respondent No.4 illegally, unlawfully and without lawful authority at the Village of petitioner No.1 and the petitioner No.2.
- c. Any other relief which this Honorable Court deems fit and proper in the favour of petitioners.

2. At the outset, learned counsel representing respondent-SEPCO has submitted that private respondent has not been appointed as Focal Person to deal with the matters of respondent-SEPCO. At this juncture learned counsel for the petitioner has filed a statement showing some photographs of private

respondent who is posing himself to be the focal person of respondent-SEPCO. The aforesaid factual position has been refuted by learned counsel representing the private respondent.

3. Looking to the above perspective and keeping in view the factual position of the case, we asked learned counsel representing the petitioners to satisfy this Court regarding maintainability of the instant petition on the aforesaid pleas.

4. Mr. Sajid Ali Gorar learned counsel for the petitioner has submitted that if this is the stance of the respondents; he has still cause of action to subsist and referred prayer clause (b) of the petition and argued that direction can be issued to the official respondents to issue approved transformer of 100 KV at the village of petitioner No.1 and issue new transformer at the Mohallah of petitioner No.2 and further direction to them to restore the disconnected electricity connections having been disconnected at the instructions of respondent No.4 illegally, unlawfully and without lawful authority at the Village of petitioners 1 & 2.

5. To this learned counsel for SEPCO rebutted the stance of the petitioners and referred to written statement / objections filed on behalf of respondent-SEPCO and argued that disconnected electricity connections have been restored upon payment on installments; and, further agreed to redress the grievance of the petitioners under law, provided the petitioners do not default in payment.

6. We have heard learned counsel for the parties and perused the material available on record on the aforesaid pleas.

7. We, based on contentions of the parties with the material produced before us, have concluded that we cannot determine the veracity of the photographs / documents, their claim, and counterclaim as these are disputed questions of facts between the parties, which cannot be adjudicated by this Court while exercising Constitutional Jurisdiction, therefore, on the aforesaid plea the present petition cannot be maintained.

8. In view of the aforementioned facts and circumstances, the instant petition stands dismissed with no order as to costs.

JUDGE

JUDGE