

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR
C. P No. D – 1408 of 2017

(Nehal Khan Chandio Vs. Federation of Pakistan & others)

Date of hearing: 08-02-2022

Date of order: 08-02-2022

Mr. Sohail Ahmed Khoso, holds brief on behalf of Mr. Alam Sher Bozdar, Advocate for the Petitioners

Mr. Imran Mobeen Khan associate of Mr. A.M Mobeen Khan, Advocate for Respondents 5, 6 and 7 / NHA

Mr. Muhammad Hamzo Buriro, Deputy Attorney General

Mr. Mehboob Ali Wassan, Assistant Advocate General

ORDER

Through this Petition, the Petitioner has impugned a Notice dated 14-06-2017 issued by Deputy Director, National Highways Authority for recovery of certain arrears. Notice was ordered and comments have been filed, which have been perused including the memo of Petition.

It appears that the Petitioner who runs a Petrol / Gas filling Station has been time and again directed to pay the outstanding dues accrued on account of the right of access to the Highway, and Right of Way, pursuant to the NHA Act, 1991, read with National Highway & Strategic Road (Control) Rules 1998 and Regulatory Frame Work and Standard Operating Procedure for Preservation & Commercial Use of Right of Way (ROW) 2002 Rules, however, on one pretext or the other, such dues have not been paid and instead it is the case of the Petitioner that the same are to be paid by Caltex the Franchiser. Upon failure of the Petitioner to pay such dues, this final notice has been issued, which has been simpliciter impugned, whereas, neither any provision of the Act or the said Rules have been challenged before us. In that case we do not see any reason to interfere in the same, as admittedly there is a liability which has to be paid. It is not for the court to determine in this Constitutional petition that either it is to be paid by the Petitioner or by Caltex the Franchiser as contended by the petitioner. It is also noted that M/s Caltex has not been joined as a Respondent, therefore, we even cannot look into this aspect of the case as to how they have to pay these dues and not the petitioner.

In these circumstances, no case for indulgence is made-out and this Petition being misconceived is hereby dismissed.

Judge

Judge