

Order Sheet
IN THE HIGH COURT OF SINDH CIRCUIT COURT
AT HYDERABAD

C.P No.D-70 of 2021

Dhani Bux Vs. Province of Sindh & others

PRESENT

Mr. Justice Arshad Hussain Khan

Mr. Justice Irshad Ali Shah

1. For orders on MA No.375 / 2021.
2. For orders on office objection.
3. For orders on MA No.376 / 2021.
4. For hearing of main case.

17.02.2021

Petitioner called absent without any intimation.

ARSHAD HUSSAIN KHAN, J.- Through instant constitutional petition, filed under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, the Petitioner has made the following prayers: -

- a. *Direct respondent Nos.3 and 4 to conduct inquiry to immediately act in accordance with the law and provide all basic fundamental needs and necessities to the petitioner and his villagers including re-construction of damaged houses in flood and COVID-19 aid sanctioned by the provincial government to respondent Nos.1, 2, 5 and 6 along with provision of staff, and all other basic funds need without any further delay.*
- b. *Any other relief(s) which this Honourable Court deems fit and proper in favour of the petitioner."*

2. From perusal of the petition, it appears that the petitioner, claiming himself to be an ex-councilor of union Higorani, filed the present petition, *inter alia*, against respondent No.6 (Chairman Union Council, UC Hingorani) in respect of his alleged involvement in corrupt practices as well as misappropriation of development funds of the area and in this regard, he has already approached the Anti-corruption and NAB authorities. The Petitioner in support of his allegations levelled against the respondents in the case has not produced any documentary proof and as such in order to arrive at a definite conclusion in relations to the allegations of the petitioner, a process entailing recording of evidence and its deep probe is compulsory and shall have to be undertaken.

Admittedly this Court cannot embark upon this exercise while sitting on the constitutional jurisdiction.

3. It may also be stated that Article 199 of the Constitution casts an obligation on the High Court to act in the aid of law and protects the rights within the framework of the Constitution and this extra ordinary jurisdiction of High Court may be invoked to encounter and collide with extraordinary situation and in case of non-availability of any alternate remedy under the law. It is worth mentioning that it is mandatory and obligatory for a party invoking the constitutional jurisdiction to establish a clear legal right, which should be beyond any doubt and controversy. The petition in this regard appears to be silent without any persuasive document.

4. In view of the above discussion instant petition being not maintainable is hereby dismissed in *limine* along with pending applications.

JUDGE

JUDGE