

IN THE HIGH COURT OF SINDH AT KARACHI

Present:
Muhammad Shafi Siddiqui, J.
Agha Faisal, J.

CP D 1195 of 2021 : M.A. Azhar & Co. vs.
Federation of Pakistan & Others

For the Petitioner : Mr. Shahzad Saeed, Advocate

For the Respondents : Mr. Muhammad Khalil Dogar, Advocate

Mr. Kafeel Ahmed Abbasi
Deputy Attorney General

Date of hearing : 23.08.2021

Date of announcement : 23.08.2021

ORDER

The petitioner's consignment has been detained by the respondents upon assertion of being counterfeit / in infringement of intellectual property laws. This petition seeks *inter alia* a declaration that the consignment is not as alleged and also the release thereof.

2. Respondent's learned counsel drew attention to the comments on record, demonstrating that no *non-offending* goods have been detained and that the issue of the allegedly *offending* goods has been escalated to adjudication. The petitioner's counsel has articulated no cavil in such regard.

3. The question regarding the offending nature of the detained goods is a question of fact and the writ jurisdiction of this Court is not an amenable forum in such regard¹. Even otherwise it is an admitted position that the issue has been escalated before the statutory hierarchy of dispute resolution and no case has been made out to permit the petitioner to abjure the statutory fora.

4. In view hereof, we are of the considered view that no case has been made out for invocation of the discretionary writ jurisdiction of this Court, hence, the petition, along with pending applications, is hereby dismissed. The petitioner remains at liberty to present its case before the forum of competent jurisdiction.

JUDGE

JUDGE

¹ 2016 CLC 1; 2015 PLC 45; 2015 CLD 257; 2011 SCMR 1990; 2001 SCMR 574; PLD 2001 Supreme Court 415.