

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C. P. No. D-5139 of 2021

Date	Order with signature of Judge
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FRESH CASE.

1. For orders on Misc. No.21198/2021.
2. For orders on Misc. No.21199/2021.
3. For orders on Misc. No.21200/2021.
4. For hearing of main case.

31.08.2021.

M/s. Zaheerul Hassan Minhas and Asif Ali, Advocates for the Petitioner.

1. Urgency granted.
2. Exemption is granted subject to all just exceptions.

3&4. The Petitioner is an Association that professes to be the representative of dumper truck owners plying their vehicles in Sindh for transportation of reti and bajri (surface minerals) from mines to construction sites and has invoked the jurisdiction of this Court under Article 199 of the Constitution espousing a grievance against what has been termed to be a manifold increase of royalty on surface minerals vide Notification dated 30.06.2021 issued by the Mines and Mineral Development Department, Government of Sindh. It is submitted that such enhancement has been made without hearing the affected persons and is oppressive as it constitutes unlawful enrichment at the expense of the subject.

At the very outset, we had posed a query as to the locus standi of the Petitioner and maintainability of the Petition, in view of Paragraph-03 of the Petition, stating that as per Rule 95 of the Sindh Mining Concession Rules 2002, the royalty is payable by the Mine-Holders. Furthermore, even if be accepted that as per established practice the royalty is paid by the truckers who are transporting the minerals from the mines to its destination, as has been alleged, even then the Association is not itself an aggrieved party. As such it is manifest that the Petitioner lacks locus standi and the instant Petition is not maintainable within the established parameters of Article 199 of the Constitution. Hence the same is dismissed accordingly alongwith listed applications.

CHIEF JUSTICE

JUDGE