

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C. P. No. D-5230 of 2021

Date	Order with signature of Judge
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For orders as to maintainability of Petition.

06.09.2021.

Petitioner Syed Mureed Ali Shah is present in person.

The Petitioners have invoked the jurisdiction of this Court under Article 199 of the Constitution seeking issuance of a writ of quo-warranto against the Respondent No.4, a Technical Officer, said to be holding the Office of Cane Commissioner Sindh, as well as eliciting directions to the Respondents No.6 and 7, being the National Accountability Bureau and its Director General, to hold an enquiry against the Respondents No.1 and 2 (i.e. Province of Sindh and the Secretary, Agriculture, Supply & Prices Department, Government of Sindh) in relation to what has been termed as the frequent transfers of persons holding the Office of Cane Commissioner Sindh and to hold an enquiry against the Respondent No.5, namely Qamar Raza Balouch, who is said to have been earlier holding the Office of the Cane Commissioner, Sindh and is alleged to have misused his powers/authority with ulterior motives in collusion with Sugar Mills Mafia/Cartel so as to withdraw certain direct complaints filed for recovering the dues of sugarcane growers.

The relevant Paragraphs of this Petition encapsulating such aspects are as follows:-

- “22. That on 22.04.2021 & 12.05.2021, the Petitioners wrote a letter to Respondent No.3 etc, wherein complained that Cane Commissioner filed direct complaints against several Sugar Mills on account of non-payment of cane price to Sugarcane Growers. Later on Respondent No.3 malafidely with ulterior motives in collusion with Sugar Mills mafia/cartel withdrawn those complaints without previous approval of the Provincial Government which is violation of Section 22 (ii) of the Sugar Factories Control Act, 1950. Such withdrawal was without any inquiry/investigation/verification whether payment of cane price has been paid to Sugarcane Growers or not? And also complaint for non**

payment of Quality Premium from 1998-99 till date and payments of crushing season 2018-19. But all in vain.

23. *That since March, 2021, the Technical Officer namely Abdul Qayum has been entrusted charge of the post of Cane Commissioner Sindh by the Respondents No.1 and 2 without lawful authority and in violation of law and Esta Code.”*

Be that as it may, on query posed, the Petitioner No.2, who is a practicing Advocate of this Court and appearing in the matter in person, was unable to point out any Order or Notification as to the appointment of the Respondent No.4 and demonstrate how a writ of quo-warranto would lie under the circumstances. As to the grievance against the other Respondents in relation to the allegations of misuse of authority, such action falls under the competence of the Director General, NAB in terms of Section of 18 of the National Accountability Ordinance 1999 and if the Petitioners have any material in relation to what may constitute an offence cognizable under that Statute, they are at liberty to approach the Competent Authority and place such material before that forum for consideration in accordance with law, and no directions, as elicited, are required from this Court in that regard. Under such circumstances, we find no force in the instant Petition, which stands dismissed accordingly.

CHIEF JUSTICE

JUDGE

MUBASHIR