

**IN THE HIGH COURT OF SINDH,**  
**BENCH AT SUKKUR**

**Const. Petition No. D – 152 of 2022**

**(Aneel Ali V/s P.O Sindh & others)**

**Hearing of Case(Priority)**

- 1.For hearing of CMA 698/2022.
- 2.For hearing of Main Case.

**Before:**

**Mr. Justice Muhammad Junaid Ghaffar**  
**Mr. Justice Zulfiqar Ali Sangi**

Date of Hearing: **20-04-2022**

Date of Order: **20-04-2022**

Mr. Shafquat Ali Maitlo, Advocate for the Petitioner.  
Mr. Ghulam Mujtaba Jakhar, Advocate for Municipal Committee-Khairpur.  
Mr. Ali Raza Baloch, Assistant A.G.

**ORDER**

**Muhammad Junaid Ghaffar, J.** – Through this Petition, the Petitioner has impugned the Order dated 02.02.2022, passed by the Administrator, Municipal Committee, Khairpur, whereby some contract awarded to the Petitioner for the year 2021-22 has been cancelled.

**2.** It is the case of the Petitioner that no condition of the contract was violated; whereas, regularly contract amount was being deposited.

**3.** On the other hand, as per impugned Order, case of the Administrator, Municipal Committee, Khairpur is that certain terms were violated, hence contract has been cancelled.

**4.** We have heard learned Counsel and perused the record.

**5.** At the very outset, while issuing notices, we had confronted the Petitioner's Counsel as to the maintainability of this Petition, which apparently has been filed in respect of enforcement of contract and its alleged cancellation. However, Counsel for the Petitioner has insisted that since action is illegal, unlawful and mala fide, therefore, Petition is maintainable. In our view, this argument is misconceived as apparently the

Petitioner has remedy before the Civil Court seeking relief, as may be available under the Contract Act and claim of the damages, if any. Therefore, this Petition is misconceived and is hereby **dismissed** with pending application with cost of Rs.5000/- (Five Thousand) to be deposited by the Petitioner within 15-days' time in the High Court clinic fund, failing which CNIC of the Petitioner be blocked.

**J U D G E**

**J U D G E**

Ahmad