

ORDER SHEET
THE HIGH COURT OF SINDH, KARACHI

CP No.D-5497 of 2021

Date	Order with signature of Judge(s)
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1. For orders on CMA No.8334/2022.
2. For orders on office objection.
3. For orders on CMA No.23073/2021.
4. For hearing of main case.

17.05.2022

Petitioner No.1, Mubeen Haider Khan, is present in person.

The petitioner seeks to agitate an ostensibly private dispute in the writ jurisdiction of this Court. He was confronted with regard to maintainability, however, remained unable to satisfy this court.

Prima facie the purported dispute is between the petitioner and the respondent nos. 1 and 2, private persons. It is settled law that a writ under Article 199 of the Constitution ought not to be issued to private persons. It is noted that while the primary grievance appears to be against private respondents, the official respondents seem to have been impleaded to seek the adjudication of the grievance before this court, in the exercise of its writ jurisdiction. A Division Bench of this High Court, in *Muhammad Saddiq case*¹, had deprecated the invocation of the writ jurisdiction in private disputes and had held that such action, merely to overcome objections of the branch with respect to maintainability, cannot but be disapproved. A subsequent Division Bench has also maintained² that the masquerade of pleadings to invoke the Constitutional jurisdiction of this court is undesirable.

The petitioner has levelled numerous factual allegations and in such regard seeks orders for inquiry from every conceivable law enforcement agency in the country. The assertions are controversial and factual in nature *prima facie* not amenable for adjudication in the writ jurisdiction of this Court³. Even otherwise the petitioner has been unable to demonstrate any fundamental / vested right in order to merit indulgence in writ jurisdiction.

In view of the reasoning and rationale herein contained, we are of the considered view that the petitioner has been unable to set forth a case for the exercise of discretionary⁴ writ jurisdiction by this Court, hence, this petition is hereby dismissed *in limine*.

JUDGE

JUDGE

¹ *Muhammad Saddiq & Another vs. Ruqaya Khanum & Others* reported as PLD 2001 Karachi 60.

² *AKD Investment Management Limited & Others vs. JS Investments Limited & Others* reported as 2020 CLD 596.

³ 2016 CLC 1; 2015 PLC 45; 2015 CLD 257; 2011 SCMR 1990; 2001 SCMR 574; PLD 2001 Supreme Court 415.

⁴ Per Ijaz Ul Ahsan J. in *Syed Iqbal Hussain Shah Gillani vs. PBC & Others* reported as 2021 SCMR 425; *Muhammad Fiaz Khan vs. Ajmer Khan & Another* reported as 2010 SCMR 105.