

# IN THE HIGH COURT OF SINDH AT KARACHI

Present:  
**Muhammad Junaid Ghaffar, J.**  
**Agha Faisal, J.**

C P D 6897 of 2021 : Sindh Growers Alliance & Another  
vs. Province of Sindh & Others

For the Petitioners : Mr. Mureed Ali Shah, Advocate

For the Respondents : Mr. Muhammad Nishat Warsi  
Deputy Attorney General

Mr. Ali Safdar Depar  
Additional Advocate General Sindh

Mr. Zahid Hussain Baladi  
Special Prosecutor NAB

Date/s of hearing : 16.08.2022

Date of announcement : 16.08.2022

## ORDER

**Agha Faisal, J.** The petitioners have filed a complaint with NAB<sup>1</sup> regarding the Respondent no. 3, Cane Commissioner, and require the intervention of this Court to direct that the inquiry sought be conducted and the entire record and proceedings thereof be provided to the petitioners. The petitioners also claim that the allegations attributed to the said respondent demonstrate him having violated orders in several other Constitutional Petitions for which remedial measures be ordered in this petition.

2. It is noted that an earlier petition, being CP D 5230 of 2021, was filed by the petitioners seeking similar relief, however, the same was dismissed vide Order dated 06.09.2021. While dismissing the earlier petition, it had been observed that the petitioners remained within their rights to escalate any complaint to NAB, however, under no circumstances did such observations, while dismissing the petition itself, vest any right in the petitioners or oblige NAB to act per the wishes of the petitioners.

---

<sup>1</sup> Respondent nos. 4 and 5.

3. The petitioner no. 1 is stated to be an association and the counsel was unable to demonstrate as to how the said petitioner was an aggrieved person within meaning to Article 199 of the Constitution<sup>2</sup>. The petitioner no. 2 is the counsel himself, however, he has failed to demonstrate as to how he was personally aggrieved by the allegations pleaded<sup>3</sup>.

4. The petitioner no. 2 / counsel has also failed to demonstrate as to how any allegations pertaining to violation of orders / judgments rendered in other petitions could be agitated in the present extraneous petition.

5. In so far as the complaint lodged with NAB is concerned, the law presumes that the authority may consider any application thereto in accordance with the law. We have not been assisted with any law that requires a law enforcement agency to act on the whims of an applicant and / or to keep the applicant abreast of all developments in such regard. It is observed that while the complaint was dated 27.09.2021<sup>4</sup>, the present petition was preferred shortly thereafter. At this juncture we consider it expedient to eschew any observation as to whether the institution of the present petition could be predicated upon the intent to pressurize the law enforcement agency.

6. Notwithstanding the foregoing, it is considered imperative to record that the comments of the respondent no. 3 are on record, wherein the allegations of the petitioners have been denied and corroborative documents have also been annexed therewith. NAB has also filed a statement demonstrating that the relevant complaint had in fact been considered and appropriate orders had been rendered. No cavil or objection to either of the responses has been articulated / recorded by the petitioner no. 2 / counsel.

7. In any event, the allegations levelled by the petitioners are contentious in nature, hence, could not be entertained as it is settled law that the adjudication of disputed questions of fact, requiring inquiry etc., is not amenable in the exercise of writ jurisdiction<sup>5</sup>.

---

<sup>2</sup> 2001 YLR 916; PLD 1964 (WP) Lahore 138.

<sup>3</sup> *Raja Muhammad Nadeem vs. The State* reported as PLD 2020 Supreme Court 282; *SECP vs. East West Insurance Company* reported as 2019 SCMR 532.

<sup>4</sup> Courier receipt filed being illegible and nothing to suggest when the same was actually received, if so.

<sup>5</sup> 2016 CLC 1; 2015 PLC 45; 2015 CLD 257; 2011 SCMR 1990; 2001 SCMR 574; PLD 2001 Supreme Court 415;

8. In view hereof, we are constrained to observe that the petitioner no. 2 / counsel has failed to set forth any case to merit invocation of the discretionary<sup>6</sup> writ jurisdiction of this Court, hence, this petition, being misconceived, is hereby dismissed.

JUDGE

JUDGE

---

<sup>6</sup> 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.