

ORDER SHEET
IN THE HIGH COURT OF SINDH, AT KARACHI

C. P. No. D-4833 of 2022

Fresh Case

1. For orders on Misc. No.20580/2022 (Urgent)
2. For orders on Misc. No.20581/2022 (exemption)
3. Hearing of Main case.

Date of hearing : 22.08.2022.

Petitioner Syed Mehmood Akhtar Naqvi present in person.

1. Granted.
2. Granted subject to all just exceptions.
3. Petitioner, professing to be a social worker, has invoked the Extraordinary Constitutional Jurisdiction of this Court, inter alia, seeking direction to the Provincial Government to lay down new sewerage lines, reconstruct roads and other infrastructure damaged during recent heavy rains and to release special funds for the uplift of the Karachi City. Petitioner pleaded that cosmetic and so-called development schemes and tenders would be floated under the pretext of rehabilitation of the City to usurp the funds likely to be allocated. He further pleaded that a separate master plan for the City be prepared and carried out through Master Plan Department of Karachi Development Authority (KDA). According to him, the Sindh Building Control Authority (SBCA) has been receiving fee for approval of the building plans, which authority should be given to the KDA. Per petitioner, a committee of retired Judges of this Court be formed to ensure fulfillment of the fundamental rights and precise disbursement of the funds so allocated by the Government to the official respondents, who may submit their report before this Court within fifteen days.

We have perused the contents of the petition and heard the petitioner. So far as the submission of the petitioner directing the Respondent to prepare a separate master plan for the city, allocate special funds for reconstruction of the roads, sewerage lines, etc. it is the exclusive

domain of the Provincial Government whereas it is for the Assembly to make meaningful legislation for betterment and uplift of the City. The Constitution envisages the trichotomy of powers amongst three organs of the State, namely, legislature, executive and judiciary. The legislature is assigned the task of law making, the executives to execute and implement such law, and judiciary to interpret the law. It is settled that none of the organs of the State can encroach upon the field of the others. Reference in this case can be made to the case of Dr. Mobashir Hasan v. Federation of Pakistan (2010 PLD 265 SC). So far as the submission of the Petitioner that a committee of retired Judges of this Court be constituted to ensure implementation and exact execution of the reconstruction work after the damaged caused by the recent rains is concerned the same does not appeal to reason as the Petitioner and or voters of the respective areas may raise their voice and get the issues resolved through their elected representatives. For the foregoing reasons we do not find any force in the Petition, which is accordingly dismissed.

Chief Justice

Judge