

ORDER SHEET  
**HIGH COURT OF SINDH AT KARACHI**

C.P No.D-4204 of 2014

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Date	Order with signature of Judge
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1. For hearing of Misc. No.6155/15
  2. For hearing of Misc. No.6157/15
  3. For hearing of Misc. No.20432/14
  4. For hearing of Main Case.
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26.10.2015.

Mr. S.A. Khokhar, Advocate for the petitioners.  
Mr. Ahmed Pirzada, Advocate for Board of Revenue,  
Ms. Afsheen Aman, advocate for SBCA.  
Mr. Meeran Muhammad Shah, Addl. A.G.

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Perusal of the record reveals that the issue raised in the instant petition was also a subject matter of the petition bearing C.P.No.D-2821 of 2011 which was decided on 20.2.2014 which order subsequently was challenged before the Hon'ble Supreme Court of Pakistan in Civil Petition No.145-K of 2014 wherein leave to appeal by the Hon'ble Supreme Court of Pakistan was refused vide order dated 15.05.2014.

The counsel for petitioner was apprised of the situation that how this petition is maintainable since on the very ground taken in the instant petition the matter was decided by this Court vide order dated 20.02.2014 and after the dismissal of the matter by the Apex Court the instant petition was filed on 12.08.2014 by making the same a public interest litigation matter.

Mr. Ahmed Pirzada, advocate for BoR, Mr. Meeran Mohammad Shah, the learned Addl. A. G. and Ms. Afsheen Aman advocate for SBCA all

in one voice have stated that the petitioners have approached this Court with unclean hands and this petition may be dismissed by imposing heavy cost upon the petitioners, since the petition has been filed after the judgment of the Hon'ble Supreme Court of Pakistan by illegally making the same a matter of public interest litigation. The learned counsel was categorical asked to explain the position as to how this petition can be maintained on the same subject matter which has already been decided by this Court and affirmed by the Hon'ble Supreme Court of Pakistan, to which he replied that this petition was filed by some other counsel.

Be that as it may, we therefore find this petition to be wholly misconceived and not maintainable and dismiss the same along with the listed applications by imposing a cost of Rs.50,000/- on each petitioner. We in this regard are fortified with the views expressed by the Hon'ble Supreme Court of Pakistan in the case of Dr. Akhtar Hussain Khan Vs. Federation of Pakistan (2012 SCMR 455). The Hon'ble Supreme Court of Pakistan has observed as under:-

“The Court has to guard against frivolous petitions as it is a matter of common observation that in the garb of public interest litigation, matters are brought before the Court which are neither of public importance nor relatable to enforcement of a fundamental right or public duty. In Ashok Kumar Pandey v. State of West Bengal (AIR 2004 SC 280) the Court was seized of such a petition when it observed as follows:--

"Public interest litigation is a weapon which has to be used with great care and circumspection and the judiciary has to be extremely careful to see that behind the beautiful veil of public interest an ugly private malice, vested interest and/or publicity seeking is not lurking. It is to be used as an effective weapon in the armory of law for delivering social justice to the citizens. The attractive brand name of public interest litigation should not be used for suspicious products of mischief. It should be aimed at redressal of genuine public wrong or public injury and not publicity oriented or founded on personal vendetta. As indicated above, Court must be careful to see that a body of persons or member of public, who approaches

the court is acting bona fide and not for personal gain or private motive or political motivation or other oblique consideration. The Court must not allow its process to be abused for oblique considerations. Some persons with vested interest indulge in the pastime of meddling with judicial process either by force of habit or from improper motives. Often they are actuated by a desire to win notoriety or cheap popularity. The petitions of such busy bodies deserve to be thrown out by rejection at the threshold, and in appropriate cases with exemplary costs."

The petitioners are therefore directed to deposit the amount of cost imposed in the instant petition within a period of 15 days with the Nazir of this Court, who is directed to deposit the same 50% in the account of High Court Clinic and 50% in the High Court Library. It is further clarified that if the said amount is not deposited by the petitioners within the stipulated period, the same would be recovered from the petitioners under the Land Revenue Laws.

JUDGE

JUDGE