

**ORDER SHEET
THE HIGH COURT OF SINDH, KARACHI**

C.P. No.D-3054 of 2020

Date	Order with signature of Judge(s)
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1. For hearing of CMA No.13071/2020.
2. For hearing of main case.

12.04.2022

Mr. Hassan Ali, advocate for the petitioner.
Mr. Shehryar Mahar, Additional Advocate General Sindh.

The petition was filed in 2020 seeking the following relief:

1. "Declare any Notice / Challan issued by the Respondents illegal and without jurisdiction;
2. Restrain the Respondents from enforcing any recovery or taking any coercive action against the in respect of recovery of 20 years of Stamp Duty whereas the BPRD Circular provides that the Term Finance Certificates are redeemable after 5 years."

Learned counsel for the petitioner was specifically asked whether there was any order, notice and/or challan was impugned in the present proceedings and he replied in negative. It was further queried as to whether any cause had been demonstrated by the petitioner to have been occasioned in respect whereof remedy was sought, however, learned counsel remained unable to demonstrate the occurrence of any grievance.

It is settled law that a court does not decide a *lis* on mere presumptions or apprehensions but that a cause of action ought to be based on a demonstrable grievance, requiring remedy¹. In the present facts and circumstances no cause of action has been articulated before us to merit invocation of the discretionary² writ jurisdiction of this Court. In view hereof, it is apparent that the present petition is premature, in the very least. This petition is found to be misconceived, hence, hereby dismissed.

JUDGE

JUDGE

Khuhro/PA

¹ Per *Muhammad Ali Mazhar, J.* in *Bashir Ahmed Badini & Others vs. Chairman and Member Administrative Committee High Court Balochistan* reported as 2022 SCMR 448; *Punjab vs Yasir Majeed Shaikh* reported as 2021 SCMR 624; Per *Ayesha A Malik J* in *Muhammad Aslam vs. Pakistan* reported as 2017 PTD 803; Per *Athar Minallah CJ* in *Mari Petroleum Company Limited vs. Pakistan* reported as 2019 PTD 1774.

² 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.