

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C. P. No. D-7369 of 2022

Date	Order with signature of Judge
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FRESH CASE.

1. For orders on Misc. No.31201/2022.
2. For orders on Misc. No.31202/2022.
3. For hearing of Main Case.

02.12.2022.

Mr. Hakim Ali Khan, Advocate for the Petitioner.

YOUSUF ALI SAYEED, J. - The Petitioner has invoked the jurisdiction of this Court under Article 199 of the Constitution, seeking that the Respondent No.3, being the Regional Directorate of National Savings, be directed to release an amount of Rupees Three Million said to have been invested by one Mst. Bushra Perveen in the form of Behbood Savings Certificates on the ground that the funds for such investment had been provided by him and that he has been shown as the nominee of the investor.

Whilst it has been stated that the Petitioner had approached the relevant quarter seeking release of the amount, no document has been filed with the Petition to indicate that such an application has been made and only a copy of an undated Legal Notice purportedly issued through Counsel has been placed on record.

On query posed, as to how the Petition was maintainable in the given factual matrix, learned counsel for the Petitioner sought to argue that there was no factual controversy underpinning the matter and the Directorate was under an obligation in terms of the relevant rules to release the amount to the Petitioner, but was not processing his request on the pretext that a Succession Certificate ought to be obtained.

Having considered the matter, we are not convinced by the contentions advanced on behalf of the Petitioner and are of the view that the same does not present a fit case for determination within the writ jurisdiction of the Court. Furthermore, even if the argument as to the alleged failure of the Directorate to process the Petitioner's claim application as per rules is accepted, that would at best constitute an act of maladministration, for which an appropriate remedy is available before the Federal Ombudsman under the Establishment of the Office of Wafaqi Mohtasib (Ombudsman) Order 1983.

As such, we are of the view that the Petition is misconceived, hence, while granting the application for urgency, we hereby dismiss the same *in limine*, along with the other miscellaneous applications.

JUDGE

CHIEF JUSTICE

MUBASHIR