

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI

C.P No. D-5001 of 2022

DATE: ORDER WITH SIGNATURE(S) OF JUDGE(S).

Fresh case

1. For order on Misc. No.21321/2022
2. For order on office objection No.02, 10 & 18.
3. For order on Misc. No.21322/2022
4. For hearing of Main Case.

31.08.2022

Mr. Mazhar Iqbal Tabbassum, Advocate for the
Petitioner.

YOUSUF ALI SAYEED, J. The Petitioner, a Society apparently registered under the Societies Registration Act 1860, has invoked the jurisdiction of this Court under Article 199 of the Constitution through its General Secretary, professing to be incharge of Anjuman Jamia Masjid Ayesha, situated at A.P.P. Employees Cooperative Housing Society, Sector 39-B, Scheme 33, Gulzar-e-Hijri, Gulistan-e-Jauhar, Karachi, with it being averred that the congregation assembled there under the Petitioner's aegis are of the Dewband school of thought, but the Respondents Nos. 5, 6 and 7 are seeking to supplant their own Imam and Moazzan so as to introduce a Barelvi order. In this backdrop it has *inter alia* been prayed as follows:-

- "i. Admit / notices to the Respondents.
- ii. Issue direction to the Respondents No. 5, 6, 7 not to create hindrance / difficulties for offering the Namaz 05 times behind the pesh Imam of their Maslak Dewband at Anjuman Jamia Masjid Ayesha, situated at A.P.P.C.H.S., Sector 39-B, Scheme No.33, Gulzar-e-Hijri, Gulistan-e-Jauhar, Karachi, after engaged separate Pesh Imam and Moazzan of the Maslak Barelvi.

- iii. Issue direction to the Respondent No.4 not to support the Respondent No.5, 6 7 for using the (Maslak Barelvi), the (Maslak Dewband) is registered with the consent lot of members, legally by Respondent No.2, 3, 8 after fulfill all legal steps in accordance with procedure.
- iv. Issue direction to the Respondents No. 8, 9, 10, 11 not to take any action against the Imam-e-Masjid & Moazzen appointed for or the (Maslak Dewband) upon their ill advise of Respondent No. 5, 6, 7 except due to course of law.
- v. Issue direction to the Respondents No. 5, 6, 7 not use the name of Respondent No.4 at each plate farm only for influence for their negative approach / cause.” [sic]

Having examined the matter, we are of the view that the same does not fall within the parameters of Article 199 and does not present a fit case of issuance of a writ. Furthermore as it transpires, the Petitioner has admittedly already filed Civil Suit No.651 of 2022 on the subject before the IIIrd Senior Civil Judge Malir, Karachi, which remains pending. Under the circumstances, while granting the application for urgency, we hereby dismiss the Petition in *limine* along with the other pending miscellaneous applications.

JUDGE

CHIEF JUSTICE