

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

**C.P No. D-1035 of 2023**

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Dated                      Order with signature of Judge.

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**Priority**

1. For order on CMA No. 5477/2023
2. For hearing of CMA No. 4896/2023
3. For hearing of main case.

**28.02.2023.**

Mr. Aziz-ur-Rehman Mirani, Advocate for the Petitioner

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**YOUSUF ALI SAYEED, J.-** The Petitioner has invoked the jurisdiction of this Court under Article 199 of the Constitution, seeking to assail a letter dated 03.02.2023 addressed to him by the Secretary, Export Processing Zones Authority, stating that the bids submitted by him on 03.10.2022 in respect of the tender in respect of the KEPZ Labour Canteen had been found unresponsive, and directing him to vacate the premises and deposit a sum of Rs.70,814.03/- as outstanding water dues and Rs.891,758.51/- on account of Electricity arrears.

Learned counsel for the Petitioner argues that the Petitioner had been awarded the tender for the Canteen in previous years with contracts having been executed in his favour, but conceded that such contracts were not presently in subsistence. On query posed as to the right of the Petitioner to

remain in possession, no cogent response was forthcoming. On the contrary, it was conceded that there was an outstanding claim by the KEPZ regarding the aforementioned dues, but it was submitted that the same was disputed and is the subject of proceedings instituted by the Petitioner before the Civil Court.

Under the given circumstances, we see no cause for interference in the matter through the Constitutional jurisdiction of this Court, for if the Petitioner has any right to remain in possession, the matter ought to have been agitated in the civil proceeding that is said to be pending. As such while granting the application for urgency, we accordingly dismiss the Petition in *limine* along with the other listed application.

JUDGE

CHIEF JUSTICE