

ORDER SHEET IN THE HIGH COURT OF SINDH, KARACHI

C. P. No. D-4398 of 2023

Date	Order with signature of Judge
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FRESH CASE.

1. For orders on Misc. No.20276/2023.
2. For orders on Office Objection No.19.
3. For orders on Misc. No.20277/2023.
4. For hearing of main case.

15.09.2023.

Mr. Muhammad Nawaz, Advocate for the Petitioner.

YOUSUF ALI SAYEED, J. - The Petitioner seeks that directions be issued to the Excise & Taxation Department of the Government of Sindh for the registration of a motor vehicle in his name. Per learned counsel, the Petitioner has made the necessary application, but the same has remained unattended over a protracted period of time.

As it stands, even if such contention is accepted, the allegation made is essentially one of “maladministration” on the part of an “agency”, within the meaning and contemplation of those terms, as defined in Sections 2(1) and 2(2) of the Establishment of the Office of Ombudsman for the Province of Sindh Act, 1991, which read as follows:-

“2. Definitions---In this Act unless there is anything repugnant in the subject or context:-

(1) “agency” means a Department, Commission or office of the Provincial Government or a statutory corporation or other institution established or controlled by the Provincial Government but does not include the High Court;

(2) “Mal-administration” includes:-

(i) a decision, process, recommendation, act of omission or commission which:-

(a) is contrary to law, rules or regulations or is a departure from established practice or procedure, unless it is bona fide and for valid reasons; or

(b) is perverse arbitrary or unreasonable, unjust, biased, oppressive, or discriminatory; or

(c) is based on irrelevant ground; or

(d) involves the exercise of powers or the failure or refusal to do so, for corrupt or improper motives, such as, bribery, jobbery, favouritism, nepotism and administrative excesses; and

(ii) neglect, inattention, delay incompetence, inefficiency and ineptitudes, in the administration or discharged of duties and responsibilities;”

[underlining added for emphasis]

As such, it is apparent that an alternate remedy is available to the Petitioner before the Ombudsman under Section 9 of the aforementioned Act, hence direct recourse to the jurisdiction of this Court under Article 199 of the Constitution is misconceived. That being so, while granting the application for urgency, we hereby dismiss the Petition *in limine*, along with the other miscellaneous applications, leaving the Petitioner at liberty to avail the alternate remedy, if so desired.

JUDGE

JUDGE

MUBASHIR