

IN THE HIGH COURT OF SINDH, AT KARACHI

Const. Petition No. D – 4128 of 2022

PRESENT:

**MR. JUSTICE AQEEL AHMED ABBASI
CHIEF JUSTICE
MR. JUSTICE ABDUL MOBEEN LAKHO**

Syed Mehmood Akhtar Naqvi.....Petitioner

V E R S U S

Government of Sindh through Chief Secretary & others.....Respondents

Date of hearing 11.09.2023

Petitioner Syed Mehmood Akhtar Naqvi, present in person.

ORDER

Abdul Mobeen Lakho, J. The instant Petition was disposed of vide short Order dated 26.01.2023 with the following observations:

“ For the reasons to be recorded later on, instant petition is dismissed in limine alongwith all listed applications with the cost of Rs.10,000/- (Rupees Ten Thousand only) to be deposited with the High Court Clinic.”

2. Detailed reasons of the short Order dated 26.01.2023 which are self-explanatory and reproduced as under for ready reference:

“1. Instant petition has been filed by the petitioner, namely, Syed Mehmood Akhtar Naqvi, who claims to be a social worker (Khudai Khidmatgar) and has drafted instant petition in ‘Urdu’, comprising of 24 paragraphs over 1109 pages, consisting of photographs and advertisements printed on ledger papers, mentioning the details of large number of properties/projects duly advertised by different estate brokers, builders and developers all over Karachi, whereas, copy of order(s) passed by the Hon’ble Supreme Court in Civil Petition

No.9/2010 [Re: *Niamatullah Khan Advocate v. Federation of Pakistan*] have also been attached with the petition.

2. Instant petition was taken up for hearing in Court on 18.01.2023 pursuant to an urgent application filed by the petitioner, however, when the petitioner was required to point out the cause of grievance and the relief being sought through instant petition by referring to be relevant paras of the pleadings, and also to refer the prayer clause(s) of instant petition, the petitioner could not except terming on pages, read or refer to cause of grievance or the relief being sought through instant petition, however, insisted that notice of instant petition may be issued to respondents, who may be directed to file their comments, and submitted that on the next date of hearing, he will assist the Court in respect of subject controversy involved in the instant petition.

3. While showing restrain, and instead of dismissing the instant petition in limine, keeping in view the casual attitude of the petitioner and his failure to provide any assistance or even to point out the cause of grievance, and relief being sought through instant petition, the petitioner was granted time to prepare the case and to assist the Court on the next date of hearing. Thereafter, the matter was fixed in Court on 26.01.2023, when the petitioner was once again required to assist the Court with regard to maintainability of instant petition, as prima facie, perusal of the memo of instant petition and its voluminous attachments reflected that petitioner has neither disclosed any cause of grievance, nor could point out any violation of the constitutional provisions or infringement of fundamental rights, which may require this Court to exercise its constitutional jurisdiction under Article 199 of the Constitution. Petitioner was also required to assist as to whether, while raising serious allegations against large number of private individuals, who are developers or builders engaged in the construction business, can be issued notices under Article 199 of the Constitution, merely in view of vague allegations, that no approvals or NOCs have been obtained, while announcing or raising construction on their projects from relevant authorities, whereas, such allegations are otherwise not supported by any material/documents and petitioner wants this Court to make a probe into such allegations by conducting inquiry in respect of large number of housing projects. In response, the petitioner instead of submitting any reasonable explanation, started to praise himself for having filed similar petitions of public interest before this Court as well as before the Hon'ble Supreme Court, and insisted that notice of instant petition may be issued to all the official and private respondents (32 in numbers), who may be directed to file their comments and the documents relating to approvals and NOCs from the relevant departments (*Karachi Development Authority and Sindh Building Control Authority*), whereas, an inquiry against all the respondents and their housing projects may be made, and thereafter, this Court may pass appropriate order(s) and issue directions against such private respondents as well as official respondents, who according to the petitioner, are in connivance with the private respondents, while allowing illegal and

unauthorized construction of multistoried buildings and housing projects, without any approval.

4. Perusal of the memo of petitions and the annexures attached therein, reflects that the petitioner is neither an aggrieved party nor has referred to violation or enforcement of any fundamental right. No grievance or cause of action has been disclosed to be entertained by this Court under Article 199 while exercising its constitutional jurisdiction, whereas, this petition contains generalized vague allegations and accusations against various Government Departments, public functionaries, private organizations, companies and individuals, however, without any supporting evidence or material.

5. We are of the opinion that above petition is totally misconceived and not maintainable as it contains frivolous allegations, vague accusations, however, without any evidence or material to support the same. Moreover, there is no reference to violation of any law, infringement of any fundamental rights, nor any declaration relating to interpretation of any constitutional provision, vires of any law, Rules or Regulations or legality of any order or decision has been sought, whereas, generalized vexatious allegations and accusations have been leveled against functioning of various Government Departments, Public Functionaries, Private organizations, companies and individuals, however, without any document or material to support such allegations, nor the petitioner has approached the relevant authorities or forums to obtain information or the documents to verify the allegations as contained in the instant petition. It has been informed that the same petitioner has filed hundreds of similar petitions before this Court, which either have been dismissed or orders have been passed by various benches of this Court to satisfy the Court as to maintainability of such petitions. We are of the opinion that relief being sought in the above petition is beyond the scope of Article 199 of the Constitution, therefore, the same is not maintainable, hence it was dismissed along with pending applications vide our short order dated 26.01.2023 with cost of Rs.10,000/- (Rupees Ten Thousand only) to be deposited with High Court Clinic, and above are the reasons for such order.

6. Office is directed not to entertain any such petition(s) if filed by the petitioner, and in case of any insistence by the petitioner, the matter may be placed before the relevant Bench for seeking permission of the Court before entertaining such petition. Copy of this order shall be placed in all the above petitions and also supplied to the Assistant Registrar of the concerned Branch to ensure compliance.

Sd/-
JUDGE

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JUDGE”

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3. Now the petitioner has filed urgent application along with application (CMA No.19991/2023) for recalling of the aforesaid order. The petitioner has inefficiently failed to furnish any cogent reason or ground for reconsideration. The aforesaid order was passed after due consideration of the facts and law and the petitioner's contentions were thoroughly addressed. Present application (CMA No.19991/2023) is merely rehashing of the previously considered arguments and no change in the circumstances has been established for recalling of the said order. The petitioner's attempt to re-agitate the settled issues amounts to an abuse of process as mentioned in Paragraph 5 of the dismissal order.

4. In view of the above, the application (CMA No.19991/2023) is hereby dismissed and above are the reasons of short order dated 11.09.2023.

JUDGE

jamil/nasir