

ORDER SHEET  
IN THE HIGH COURT OF SINDH AT KARACHI

CP D 3878 of 2023  
CP D 3879 of 2023

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Date	Order with signature of Judge(s)
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1. For orders as to maintainability of petition.

**13.01.2025**

Mr. Muhammad Adeel Awan, advocate holding brief for Mr. Jawed Farooqui, advocate for the petitioners.  
Mr. Anas Habib, advocate for the respondent.

These petitions assail show cause notices directly in the writ jurisdiction of this Court. The impugned notices provide an opportunity and forum to the petitioner to state its case, however, the petitioners have unjustifiably elected to abjure the opportunity / forum provided and approach this Court directly. No case has been set out as to why the any reservation with regard to the impugned notices could not have been taken before the issuing authority. Default by the petitioner in seeking recourse before the statutory hierarchy could not be demonstrated to denude the statutory forum of its jurisdiction; or confer the same upon this court. Therefore, no case could be articulated for direct recourse to writ jurisdiction in the presence of adequate remedy having been provided under the law.<sup>1</sup>

The Supreme Court also consistently deprecated the tendency to shun the dispute resolution mechanism provided by statute and seek direct recourse to the High Court; as seen in *Jahangir Khan Tareen*<sup>2</sup>, approved in Judgment dated 15.09.2022 rendered in *DCIR vs. Digicom Trading (CA 2019 of 2016)* The aforementioned ratio is squarely applicable to the present facts and circumstances.

In summation, no case has been set forth before us to merit the invocation of the discretionary<sup>3</sup> writ jurisdiction of this Court; therefore, these petitions are hereby dismissed.

Office to place a copy hereof in the connected file.

Judge

Judge

Khuhro/PA

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<sup>1</sup> Reliance is placed upon PLD 2016 Sindh 168.

<sup>2</sup> Per *Muhammad Ali Mazhar J.* in *CIR vs. Jahangir Khan Tareen* reported as 2022 SCMR 92.

<sup>3</sup> Per *Ijaz Ul Ahsan J.* in *Syed Iqbal Hussain Shah Gillani vs. PBC & Others* reported as 2021 SCMR 425; *Muhammad Fiaz Khan vs. Ajmer Khan & Another* reported as 2010 SCMR 105.