

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

CP D 41 of 2025

DATE	ORDER WITH SIGNATURE OF JUDGE(S)
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1. For orders on CMA No.306/2025.
2. For orders on office objections No.1 to 9.
3. For orders on CMA No.307/2025.
4. For hearing of main case.

29.04.2025

Petitioner is present in person.

The petitioner, representing himself to be an intelligence operator of the Pakistan Army, has filed this petition impleading *inter alia* the Adjutant General, Judge Advocate General, Military Secretary GHQ, Chairman Joint Chiefs, Army Chief, Naval Chief, Air Chief, DG Law Airforce, DG Law Navy, DG Counter Intelligence and DG ISI; seeking the following relief:

"a) To direct the respondents to remove Martial Law since 1952 uptill 2025 and submit their report in this behalf and also further direct the respondents to perform their officials duties within parameters of Military Act (30 Inches Feet / Domain) honestly & with devotion and also not to interfere in the political affairs of Pakistan and not to go beyond their capacity and in case of their failure, arrest warrant may kindly be issued against the respondents.

b) To declare the Amendment of Section 8B, Act XXXIX of Pakistan Army Amendment Act 2024 as null and void and ab-initio and the same is not applicable in Pakistan Army Act.

c) To declare the Amendment of Section 14B Ordinance XXXV of 1961, in the said ordinance, in Section 14B in sub-Section (i), of Pakistan Navy Act 2024 in as null and void and ab-initio and the same is not applicable in Pakistan Army Act.

d) To declare the Amendment of Section 10B, Act VI of 1953 of Pakistan Air Force Act, Amendment Act 2024 as null and void and ab-initio and the same is not applicable in Pakistan Army Act.

e) To pass order for removal of illegal & unlawful Military Act from the Pakistan Military Act, in which departmental rules have been challenged in the instant petition.

f) To declare that there is no further authority /empowerment in Pakistan Military Act 1952 except the officers i.e. 1) Chairman Joint Staff Committee, 2) Chief of Army Staff, 3) Chief of Naval Staff, 4) Air Chief Martial and 5) Chief of General Staff of Army and after that there is no any rank or empowerment in the Pakistan Military Act.

g) To declare that any Chief of Army Staff (Grade-22) is not eligible for the designation of President of Pakistan.

h) To direct the respondents to provide / submit all Bills regarding amendments in Pakistan Military Act 1952 i.e. Navy, Air Force, & Army since 1952 to 2024 before this Hon'ble Court and all illegal amendments in the Military Act may be removed permanently from Pakistan Military Act 1952.

i) To direct the respondents No.6&8 to provide summary regarding appointment of present Army Chief Staff, who has already completed his terms of Lt. General since 26-09-2018 uptill 26-09-2022 & Present Air Chief who has also completed his terms of retirement since 18-03-2021 uptill 18-03-2024.

j) To direct the respondents not to create harassment, blackmailing and not to arrest or involve the petitioner and his family members in false litigations due to filing of instant petition.

k) To declare that the Pakistan Army Act is incomplete Act compare to worldwide Military Act...

At the very onset the petitioner was confronted with respect to the maintainability hereof. It was queried as to how the stated official designations be impleaded as respondents, especially in view of the order of the Supreme Court in *The Officer in charge Army Housing Directorate vs. Federation of Pakistan (Civil Petition 1026 of 2021)* dated 25.10.2023. Petitioner was asked as to how the petition could be entertained pertaining to matters of military personnel in view of Article 199(3)¹ of the Constitution; as interpreted from time to time including in *Muhammad Mushtaque vs. Federation of Pakistan* reported as 1994 SCMR 2286. A question was put for the petitioner to demonstrate his *locus standi*. It was also asked as to how a presumptive plea of harassment could be entertained in view of the Division bench judgment of this Court reported as *PLD 2019 Sindh 168*. The petitioner remained unable to assist on either count.

Article 199 of the Constitution contemplates the discretionary² writ jurisdiction of this Court and the said discretion *may* be exercised in appropriate circumstances. In the present matter no case has been set forth before this court for invocation of such jurisdiction. Therefore, this petition and listed applications are hereby dismissed in *limine*.

Judge

Judge

¹ An order shall not be made under clause (1) on application made by or in relation to a person who is a member of the Armed Forces of Pakistan, or who is for the time being subject to any law relating to any of those Forces,...

² *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.