

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

CP D 6052 of 2023

| DATE | ORDER WITH SIGNATURE OF JUDGE(S) |
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1. For orders as to maintainability of petition.
2. For orders on office objections.
3. For hearing of main case.

29.04.2025

Mr. Ali Ahmed Palh, advocate for the petitioners.
Mr. Sandeep Malani, Additional Advocate General Sindh.
Mr. Mushtaque Ahmed Garwan, Assistant Director, Agriculture Supply and Price Department, Sindh.

The petitioner, stated to be a society, has filed this petition essentially seeking supply of fertilizer. Directions are also sought for initiation of criminal proceedings in respect of individuals and institutions, not party herein, found to impede the free availability of fertilizer.

Upon being queried as to the *locus standi* of the petitioner to seek provision of fertilizer, it was informed that the claim has been preferred on behalf of its members, not a single one of whom has been arrayed herein. It is settled law¹ that an association is not generically an aggrieved person within meaning of Article 199 of the Constitution and on the said touchstone the petitioner could not satisfy the Court on the count of *locus standi* in the present circumstances.

The claim with respect to initiation of criminal proceedings could not be entertained *inter alia* since no person could be condemned unheard and also as to why recourse to available alternate remedy was not sought. Even otherwise the claim is fraught with factual controversy and disputed questions of fact requiring inquiry, investigation, evidence etc. are not amenable for adjudication in writ jurisdiction².

In view hereof, no case is made out to merit invocation of the discretionary³ writ jurisdiction of this Court, therefore, this petition, pending since 2023, is hereby dismissed.

Judge

Judge

¹ 2014 MLD 882; 2001 YLR 916; PLD 1964 (WP) Lahore 138.

² 2016 CLC 1; 2015 PLC 45; 2015 CLD 257; 2011 SCMR 1990; 2001 SCMR 574; PLD 2001 Supreme Court 415.

³ 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.