

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
CP D 1803 of 2025

DATE	ORDER WITH SIGNATURE OF JUDGE(S)
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For orders as to maintainability

14.05.2025

Ms. Fariyal Ishaque, advocate and Mr. S.K. Lodhi, advocate for the petitioner.

On the last date following order was passed :

“2, 4 & 5. Office has raised following objections:

- “1. How this Petition is maintainable in present form, when report dated 30.10.2024 (Annexure K) Page No.63 is showing that said consignment of betelnut was unfit for human consumption due to Aflatoxin?*
- 2. Why said report was challenge after the delay of more than 05 months?*
- 3. NTN of Petitioner to be filed.*
- 4. Description of Petitioner to be clarified, as the Petitioner is not Limited Company.”*

Counsel is given time to seek instructions. To come up on 14.05.2025”

Today, once again learned counsel remains unable to satisfy this court on maintainability.

The petitioner claims to have imported a consignment of betel nuts, however, the learned counsel did not demonstrate the underlying GD/s and / or assessment documentation. The prayer clause makes reference to certain GDs dated 2024, however, neither were the same demonstrated nor the fate thereof appraised.

Be that as it may, it was articulated that the consignments were found to have excessive levels of aflatoxins, hence, injurious to public health. The petitioner seeks to dispute the findings as aforesaid and requires this court to conduct a de novo determination in such regard aided by other agencies / service providers etc.

The fate of the GDs, assessment etc. has not been shared with us and even otherwise such matters merit adjudication in the statutory hierarchy. No Constitutional / vested right has been demonstrated before

us to merit invocation of the discretionary¹ writ jurisdiction of this Court and even otherwise this matter is fraught with factual controversy, having a profound impact on public health, not amenable for adjudication in writ jurisdiction² . In view hereof, this petition is found to be misconceived, hence, hereby dismissed in *limine*.

Judge

Judge

Amjad

¹ 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.

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