

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
CP D 1729 of 2025
CP D 1730 of 2025
CP D 1731 of 2025

DATE	ORDER WITH SIGNATURE OF JUDGE
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For orders as to maintainability

15.05.2025

Mr. Muhammad Yousuf, advocate for the petitioner

On the last date following order was passed :-

- “1. *Granted.*
- 2-4. *The petitioners, stated to be importers, essentially seek declaration / directives against a terminal operator, being private respondent. The prayer clause in the lead petition is stated to be representation of the remaining petitions is reproduced herein below:*
1. *In the light of the foregoing submissions and considering the facts and circumstances of the case, this Honorable High Court may allow the subject petition and magnanimously Hold, Declare and Order :-*
- a) *Order the Member (Customs operations) and other respondents to take action against M/s Hutchison Ports Pakistan by initiating license suspension proceedings against M/s Hutchison Ports Pakistan (Terminal Operator) in terms in terms of section 155-F of Customs Act, 1969 read with Rule No. 553 of Customs Rules, 2001.*
- b) *Order may kindly be issued to M/s Hutchison Ports Pakistan (Terminal Operator) to expeditiously arrange subsequent/future consignments of the Petitioner or in case of delay in grounding waive off the delay, demurrages and detention charges.*
- c) *Order may be issued to terminal operator to refund the amount to Petitioner taken on account of demurrages charges and also pay to shipping line charges of delay and detention on behalf of Petitioner or refund to Petitioner if amount is already paid by the Petitioner to shipping line; due to fact that delay was caused by terminal operator.*
- d) *Order may kindly be passed to respondents to ensure expeditiously examination and assessment of Petitioner.*
- e) *Grant any other and/or better relief as may be deemed appropriate in the circumstances of the case.*
- f) *Prayed in the larger interest of the administration of swift justice.*

Learned counsel is confronted as to maintainability, inter alia, as to how writ proceedings can be invoked against a private respondent; how refunds can be sought in the exercise of writ jurisdiction; how disputed question of facts can be sought to be agitated in writ jurisdiction; and how a writ jurisdiction has been invoked directly without recourse to appropriate forum. To come up on 15.05.2025”

Today once again learned counsel remained unable to satisfy on the account of maintainability. In view hereof these petitions are dismissed in *limine*. Office is instructed to place copy of this order in connected matters.

Judge

Judge