JUDGMENT SHEET.

IN THE ISLAMABAD HIGH COURT, ISLAMABAD.

WRIT PETITION NO. 1444/2025

MST. SAIMA AMJAD

Vs

MINISTRY OF INTERIOR THROUGH SECRETARY INTERIOR, ETC.

Petitioner by	**:**	**Mr. Bilal Shoukat, Advocate.**
Respondents by	**:**	**Raja Zamir ud Din, AAG.** **Mr. Taimoor Janjua, State counsel.** **Mr. Maqsood Ahmed, Deputy Secretary Law-II, Ministry of Interior.** **Mr. Sajid Cheema, DSP Legal.**
Date of hearing	**:**	**25.04.2025**

MUHAMMAD AZAM KHAN, J.

1. Through the instant Writ Petition under Article 199 of the Constitution of the Islamic Republic of Pakistan (**"Constitution"**), Mst. Saima Amjad (**"Petitioner"**) seeks recovery of her husband, namely Amjid Dilawar, and has prayed for the following reliefs:

a. Direct the Respondents to immediately produce the Petitioner's husband, namely Amjid Dilawar son of Dilawar Khan, before this Court and release the Petitioner's husband without any further delay.

b. Strict legal action may be initiated against all those who were involved in the illegal and unlawful abduction of the Petitioner's husband.

c. Respondents may be directed to immediately preserve the CCTV footage pertaining to the Petitioner's husband available in Defence Housing Authority and to provide the CCTV footage to this Court and the Petitioner, in the interest of justice.

d. The Defence Housing Authority may be directed to immediately preserve all the CCTV footage relating to the Petitioner's husband on the day of the above-referred occurrence.

2. Brief facts of the case as per the memo of the instant petition are that on 10.04.2025, at about 11:00 p.m., four vehicles including one Corolla car, one Vigo,

one black Surf, and a police van came in front of the house of the Petitioner. There were 15 to 20 persons present outside the house, out of whom 8 to 10 were in commando uniforms. The DHA security was also present and informed the Petitioner that a person in plain clothes was Major Saeed. The said persons took the husband of the Petitioner along with them. After the said occurrence, the Petitioner approached the police for recovery of her husband, however, she failed to find any clue regarding her husband. Hence, she filed the instant Writ Petition.

3. The learned counsel for the Petitioner argued that the vehicles that came in front of the house of the Petitioner on the day of the alleged occurrence are visible in the CCTV footage. However, the Corolla car is not visible in the footage as it was parked at a location not covered by the CCTV camera installed at the Petitioner's house; that from the activities outside the house of the Petitioner on the date of the abduction of her husband, the Petitioner has a strong impression that her husband was abducted by personnel of intelligence agencies/police without any lawful justification; that the whereabouts of the Petitioner's husband remain unknown since his abduction by the above-referred individuals.

4. On behalf of Respondent No.3, it is argued that no case has been registered against the alleged abductee, Amjid Dilawar, nor has he been arrested or detained by the local police in any case.

5. On behalf of Respondent No.4, it is argued that reports were sought from all police stations in Islamabad, and as per the consolidated report, neither has the Petitioner's husband, namely Amjid Dilawar, been arrested nor detained by the ICT police in any case. Furthermore, as per the report of SHO, Police Station Humak, he visited the house of the Petitioner mentioned in the petition, i.e., DHA Homes, House No.3, Street No.64, Sector Laila-A, DHA Phase-VII. The house was found locked. It was further submitted that the house is situated within the jurisdiction of Police Station Kallar Syedan, Rawalpindi, and therefore, the alleged occurrence took place outside the jurisdiction of Islamabad Capital Territory Police. It is accordingly prayed that the Instant Petition, to the extent of Respondent No.4, may be disposed of.

6. I have heard the learned counsels for the parties and perused the available record with their able assistance.

7. From the arguments advanced by both sides, it transpires that the alleged occurrence took place outside the territorial jurisdiction of this Court. According to Article 199 of the Constitution, the Court is empowered to exercise writ jurisdiction only within its territorial limits. For ready reference, the relevant portion of Article 199 of the Constitution is reproduced as under:

> ***"199. Jurisdiction of High Court.*** *(1) Subject to the Constitution, a High Court may, if it is satisfied that no other adequate remedy is provided by law,—*
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> *(a) on the application of any aggrieved party, make an order—*
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> *(i) directing a person performing, within the territorial jurisdiction of the Court, functions in connection with the affairs of the Federation, a Province or a local authority, to refrain from doing anything he is not permitted by law to do, or to do anything he is required by law to do; or*
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> *(ii) declaring that any act done or proceeding taken within the territorial jurisdiction of the Court by a person performing functions in connection with the affairs of the Federation, a Province or a local authority has been done or taken without lawful authority and is of no legal effect; or"*

8. In view of the above, since the alleged abduction of the Petitioner's husband occurred outside the territorial jurisdiction of this Court, this Writ Petition is not maintainable and is accordingly dismissed for want of jurisdiction.

(MUHAMMAD AZAM KHAN)
JUDGE

Sajid/--