ORDER SHEET.
IN THE ISLAMABAD HIGH COURT, ISLAMABAD.
JUDICIAL DEPARTMENT.

Diary No.9281/2017
Muhammad Anwar Dar
Versus
Securities and Exchange Commission of Pakistan through its Chairman and others

S. No. of order / proceedings	Date of order/ Proceedings	Order with signature of Judge and that of parties or counsel where necessary.
	13.07.2017	**Petitioner-in-person along with Mr. Inam-ul-Rahiem Advocate.**

Office has raised objections to the filing of the instant writ petition. The first objection is to the effect that the petition should be filed before a "Proper Bench" as the cause of action pertains to the jurisdiction of the Hon'ble Lahore High Court. The second objection is regarding the maintainability of this petition in view of the fact that an application on the subject matter of this petition is pending before the Registrar Lahore High Court, Lahore. This petition was fixed before this Court as an objection case.

2. Learned counsel for the petitioner drew the attention of the Court to the following portion of the news item carried by the "Daily News" in its issue of 08.08.2016:-

> ***"Last but not the least: the name of a senior high court judge appears twice in addition to the family of Sharmeem Obaid Chinoy, Oscar-winning documentary-maker has also been enlisted. Aaj Textile Mills and Mansoor Textile Mills that have Syed Mansoor Ali Shah its director, among others, got waiver of Rs.5.6.694 million in 1999."***

3. Learned counsel for the petitioner submitted that the said news item prompted the petitioner to submit application dated 05.06.2017 to the Registrar of the Hon'ble Lahore High Court, seeking provision of information with respect to matters listed in the said application, pertaining to

his Lordship, the Chief Justice of the Hon'ble Lahore High Court. This application is annexed at page 15 of this petition. In the said application, the petitioner expressed his intention to proceed to the Supreme Judicial Council ("SCJ"). Learned counsel further submitted that till date, no response had been given to the said application.

4. Learned counsel submitted that on 05.07.2017, the petitioner had filed a reference against the Chief Justice of the Hon'ble Lahore High Court before the SCJ under Article 209 of the Constitution. He further submitted that since the Chief Justice of the Hon'ble Lahore High Court is also a member of the SCJ, he ought not to sit as a member of the SJC due to the pendency of the reference against him.

5. Learned counsel further submitted that on 07.07.2017, the petitioner sent an undated letter to the Secretary, Punjab Bar Council, Lahore (respondent No.4), wherein it was mentioned that the petitioner had filed a reference under Article 209 of the Constitution before the SJC against the Chief Justice of the Hon'ble Lahore High Court. In the said letter, the petitioner sought certain information regarding his Lordship's membership with respondent No.4. The petitioner *inter-alia* prayed for a direction to respondent No.4 to provide the "complete service record" of his Lordship when he was practicing as an Advocate.

6. The petitioner has also sought a direction to the Securities and Exchange Commission of Pakistan (respondent No.1) to provide information regarding the period during which his Lordship remained a Director of Aaj Textiles and Mansoor Textiles. The petitioner also seeks a direction to United Bank Limited (respondent No.2) to provide

details of the money trail of the loans allegedly obtained and written off. Additionally, the petitioner seeks a direction to Mr. Umer Cheema (respondent No.3), who is said to have authored the news items in question, to provide information on the basis of which he wrote the said news items.

7. There are no documents available on the record to show that the petitioner had sought any information from respondent No.1 to 3. Respondents No.2 and 3 are not persons performing functions in connection with the affairs of the Federation and are, therefore, not amendable to the constitutional jurisdiction of this Court. As regards, respondent No.4, the same is beyond the territorial jurisdiction of this Court. It is not denied that the petitioner has already filed an application before the Registrar of the Hon'ble Lahore High Court for the provision of information regarding his Lordship.

8. Learned counsel for the petitioner submitted that the instant writ petition had been instituted for obtaining the information sought from the respondents so that the reference already filed on 05.07.2017 by the petitioner against the Chief Justice of the Hon'ble Lahore High Court before the SJC is strengthened. Since a reference against his Lordship has been filed before the SCJ, on the same subject matter as the instant petition, I am not inclined to show any indulgence in the matter. In view of the above, the office objections are sustained.

(MIANGUL HASSAN AURANGZEB)
JUDGE

Qamar Khan*

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