

Form No: HCJD/C-121
ORDER SHEET
IN THE ISLAMABAD HIGH COURT, ISLAMABAD
JUDICIAL DEPARTMENT

Writ Petition No. 4356 of 2019

Atiq ur Rehman
Vs
Ministry of Religious, etc.

| S. No. of order/ proceedings | Date of order/ proceedings | Order with signature of Judge and that of parties or counsel where necessary. |
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28-01-2020. Mr. Afzaal Qadeer Satti, Advocate for the
petitioner.
Mr. M. Saif Ullah Gondal, AAG.
Mr. Mushtaq Ahmed, Admin Officer, Auqaf.

The learned Assistant Attorney General,
at the very outset, has stated that regarding
the same grievance the petitioner has filed a
civil suit which is pending before a competent
court.

2. When confronted with the above, the
learned counsel for the petitioner has stated
that the order passed by the Assistant
Commissioner, dated 16.08.2019, has not
been assailed before any competent court.

3. Perusal of the record shows that order,
dated 16.08.2019, pertains to the grievance
regarding which a suit is pending before a
competent court. The petitioner has
admittedly availed an efficacious alternate
remedy by way of filing a suit. It is settled
law that what cannot be done directly also
cannot be done indirectly. While examining

jurisdiction under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, this Court cannot interfere with the proceedings which are pending before a competent court.

4. In view of the above, this petition is not maintainable and, therefore, accordingly dismissed.

CHIEF JUSTICE

Saeed