

Form No: HCJD/C-121.

**ORDER SHEET**

**IN THE ISLAMABAD HIGH COURT, ISLAMABAD**  
**JUDICIAL DEPARTMENT**

W.P. No. 1944 of 2019

Mst. Ghulam Ayesha alias Pariya Kumari Bai and another  
Vs  
Ministry of Interior, 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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01) 17-05-2019. M/s Rao Abdur Raheem and Muhammad  
Umair Baloch Advocates, for the  
petitioner.

Through this consolidated order, I will decide  
the instant petition alongwith W.P. No. 1945/2019, titled  
"Mst. Dua Fatima alias Simaran and another v. Ministry of  
Interior, etc."

2. The facts, in brief, are that the petitioners  
reside in the Province of Sindh. They assert that after  
converting to Islam they had entered into respective  
marriage contracts. They apprehend that they would be  
harmed by private individuals, who have been arrayed as  
respondents in these petitions. The petitioners have  
sought direction to the respondents for giving them  
protection. Perusal of the memorandum of the petitions  
unambiguously shows that the cause of action has arisen

and the private respondents reside in the Province of Sindh.

3. The learned Counsels for the petitioners were asked as to why the latter did not approach a competent Court in the Province of Sindh. They have been heard at length but despite their able assistance they could not satisfy this Court regarding the bonafides of the petitioners in invoking the jurisdiction of this Court.

4. The learned Counsels have been heard and record perused with their able assistance.

5. The cause of action has arisen outside the territorial jurisdiction of this Court. The petitioners instead of invoking the jurisdiction of a competent Court in the Province of Sindh or approaching the administrative hierarchy, preferred to invoke the jurisdiction of this Court under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973 (hereinafter referred to as the "**Constitution**"). It is noted that every citizen is entitled to protection by the State and Article 9 of the Constitution guarantees the fundamental right of security. In case the petitioners apprehend harm being caused by some private individuals then they should have approached a

competent Court or the administrative authorities in the Province of Sindh for redressal of their grievances. It is settled law that a constitutional petition is not maintainable merely on the basis of apprehensions.

6. It is noted that section 107 of the Code of Criminal Procedure, 1898 (hereinafter referred to as the "**Cr.P.C.**") provides for an efficacious remedy against a person who is likely to commit a breach of peace or to do any wrongful act. Moreover, other provisions of law also provide adequate remedies for ensuring that a person who is likely to commit a wrongful act is restrained from doing so. The petitioners instead of availing the adequate remedies provided under the law have invoked the jurisdiction under Article 199 of the Constitution and that too of a Court which is not vested with territorial jurisdiction to the extent of issuing a writ relating to the acts of the private respondents arrayed in these petitions.

7. For the above reasons, these petitions are not justiciable before this Court and, therefore, accordingly dismissed.

**CHIEF JUSTICE**

Tanveer Ahmed.