

Form No: HCJD/C-121.
ORDER SHEET

IN THE ISLAMABAD HIGH COURT, ISLAMABAD
JUDICIAL DEPARTMENT

W.P. No. 1071 of 2020

Hotel Margala (Private) Limited, etc.
Vs
National Disaster Management Authority, 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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03-04-2020. Mr. Sikandar Bashir Mohmand, Advocate for
the petitioners.

Through this petition, the petitioners have assailed orders, dated 16.03.2020 and 28.03.2020, whereby National Disaster Management Authority (hereinafter referred to as the "**Authority**") has directed vacation of "three/four Star Hotels" and their conversion into "Quarantine Centers" in order to meet the challenges posed by the prevailing extra ordinary situation. The Federal Government has taken several measures to prevent spread of the *novel coronavirus*. The measures taken by the Federal Government and the Authority are obviously to safeguard the public at large and their fundamental rights. It is an extraordinary situation and it is settled law that the interest of public at large prevails over individual rights. The learned counsel, despite his able assistance, was not able to satisfy this Court that the jurisdiction under Article 199 of

the Constitution of the Islamic Republic of Pakistan, 1973 ought to be exercised in the prevailing exceptional circumstances. It is noted that the said jurisdiction is discretionary in nature. It is in public interest not to exercise the jurisdiction because it will inevitably amount to interference with the measures taken by the Authority and the Federal Government to meet the challenges that have arisen due to the extraordinary circumstances. It cannot be ruled out that interference by this Court with the decisions of the Authority and the Federal Government, may risk jeopardizing the interests of public at large and their fundamental rights. This Court is, therefore, satisfied that restraint ought to be exercised.

2. In view of the above, this Court is not inclined to exercise its jurisdiction under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973 and, therefore, this petition is accordingly dismissed. It is observed that in case the petitioner Hotel suffers loss, it would not be without remedy because in such an eventuality remedies available under the law can be resorted to later.

(CHIEF JUSTICE)