

**IN THE SUPREME APPELLATE COURT GILGIT-BALTISTAN,
GILGIT.**

Before:-

**Mr. Justice Dr. Rana Muhammad Shamim, Chief Judge.
Mr. Justice Javed Iqbal, Judge.**

CPLA No. 74/2017.

Provincial Government & others

Petitioners.

Versus

Mehdi Floor Mill through MD

Respondent.

PRESENT:-

1. The Advocate General Gilgit-Baltistan alongwith Mr. Ali Nazar Khan Advocate-on-Record for the petitioners.
2. Mr. Johar Ali Khan Advocate on behalf of the respondent.

DATE OF HEARING: - 15.06.2017.

ORDER.

This petition for leave to appeal has been directed against the impugned order dated 02.05.2017 passed by the learned Chief Court whereby the operation of the letter No. M-8 (7)/2015/1760 dated 30.03.2017 issued by the petitioner No. 06 i.e. the Deputy Commissioner Skardu was suspended on 30.05.2017 by this court as prayed for.

2. The learned Advocate General submits that the Deputy Commissioner Skardu through the said impugned letter recommended/requested to stop the wheat quota to the respondent Mill till all the reservations of the general public are properly addressed. Per learned Advocate General the respondent has to adopt a legal course to redress his grievance in accordance with law in a proper forum/Court of law and instead to file the Writ petition

in the learned Chief Court which was not maintainable. He submits that the case pertains to grinding of flour by the respondent as per public demand and need. He contends that the petitioner No. 06 i.e. the Deputy Commissioner Skardu was constrained to issue the letter No. M-8(7)/2015/1760 dated 30.03.2017 in circumstances to address the public demand on the recommendations of the Assistant Commissioner Rondu. He submits that the learned Chief Court erroneously upset the said order which was issued in the interest of Public at large. Further the respondent was not an aggrieved party, hence, writ does not lie. He prays that in case the impugned order dated 02.05.2017 passed by the learned Chief Court is not set aside, the public at large shall come on road to protest against the mills authorities which will create law and order situation in the area.

3. On the other hand, the learned counsel for the respondent supports the impugned order dated 02.05.2017 passed in Writ Petition No. 65/2017 by the learned Chief Court. He contends that there are more than thirty (30) villages in District Rondu who have been supplied flour by the respondent Mill. He also contends that all the people of the area are satisfied with the services of the respondent Mill except few people of the locality. Per learned counsel the NOC was issued to the respondent from the petitioner on 16.12.2016. Consequently, wheat quota i.e. Fifty (50) bags of wheat on day basis keeping in view the need of the people were being supplied to the respondent. On 23.02.2016 on the

complaint of some ill minded people, the petitioners cancelled the said quota of the wheat apart from sealing the Mill of the respondent without issuing notice to the respondent, hence, the respondent was condemned unheard. He further submits that the respondent was constrained to file Writ Petition No. 65/2017 in the learned Chief Court alongwith a Civil Misc. Application for suspension of impugned administrative order issued by the petitioner No. 06 i.e. the Deputy Commissioner Skardu which was allowed vide order dated 02.05.2017, however, the Writ Petition is still pending adjudication in the learned Chief Court. Per learned counsel the petitioners called in question the interim order of the learned Chief Court before this apex court which was not maintainable as per Practice and Procedure Rules of this Court. According to the learned counsel for the petitioners, no interim order of the learned Chief Court can be challenged. He prays that the order dated 30.05.2017 passed by this court be re-called.

4. We have heard the learned counsels for the respective parties at length, perused the record of the case file and gone through the impugned interim order dated 02.05.2017 passed by learned Chief Court. Admittedly, the main case is pending adjudication in the learned Chief Court. Both the learned counsels for the respective parties are in agreement that this case may be referred back to the learned Chief Court so that the same be heard and decided in its own merits.

5. In view of the above discussions, without touching the merits of the case, we remand this case back to the learned Chief Court for hearing and deciding it in its own merit in accordance with law expeditiously within a period of two (02) weeks, without being influenced by any of the observation (s) earlier made by the Chief Court itself or by this Court. The operation of the impugned order dated 02.05.2017 shall remain stayed till disposal of Writ Petition No. 65/2017 by the learned Chief Court.

6. The case is disposed off in above terms.

Chief Judge.

Judge.

Whether the case is Fit to be reported or Not?