

JUDGMENT SHEET

PESHAWAR HIGH COURT  
ABBOTTABAD BENCH.  
(Judicial Department)

W.P No. 1345-A/2022

JUDGMENT

Date of hearing: 13.10.2022

Petitioners: (Khursheed Azam & others)  
by: M/s Sardar Nasir Aslam Khan and  
Sardar Aman Khan, Advocates.

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WIQAR AHMAD, J.- Petitioners have brought this petition as a *pro-bono-publico*, with the contentions that respondent No 9 i.e. Tareek e Labaik, Pakistan through Muhammad Aslam Qureshi, Nazim Intikhabi Amoor, Hazara Division, had planned to hold a procession in Havelian and Haripur, for which purpose they have already published hand bills/posters. The petitioners apprehend danger to peace, public life and property due to holding of such procession by

respondent No. 9 and thus have approached this Court through the instant constitutional petition with the following perspective prayer: -

*“On acceptance of this writ petition, respondents No. 1 to 8 be directed to make proper arrangement to ensure non-holding/curbing of any illegal and peace threatening activity proposed to be staged by respondent No. 9 on Sunday the 16th of October, 2022, whereby public life and property is under serious threat of loss and destruction. Any other relief as may be deemed fit for the petitioners may also be granted to them.”*

2. Having heard arguments of learned counsel for the petitioner, available record gone through.

3. Perusal of record reveals that main grievance or apprehension of the petitioners are against respondent No. 9 which is a private entity and does not fall in the definition of a *Person*, as defined in

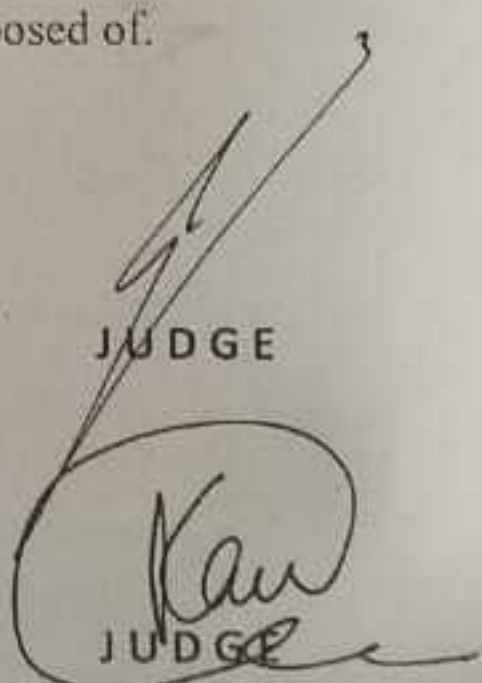
article 199 of the Constitution of Islamic Republic of Pakistan, 1973. So far as issuance of directions to respondents No. 1 to 8 for maintenance of public peace and order is concerned, it is also appropriate to mention that law relating to regulating processions and public gathers is very much clear which empowers said respondents to regulate all public gatherings in such a manner so as to avoid breach of peace and to ensure protection of other citizens and their properties from being infringed. Regulating processions or public gatherings is responsibility of respondent No. 1 to 8 and it is not for this Court to regulate such public gatherings or processions. No justiciable rights of petitioners were found infringed. Instant writ petition is merely based on

apprehensions and same is therefore, not maintainable.

4. In light of what has been discussed above, this constitutional petition was found lacking any substance, it is, however, observed that maintenance of public peace and law and order is responsibility of respondents No. 1 to 8 and they shall regulate the public gatherings in such a way that preservation of public peace and maintenance of law and order is ensured. Instant constitutional petition is accordingly disposed of.

Announced.  
Dt: 13.10.2022

JUDGE

  
JUDGE