

Form No: HCJD/C-121

**ORDER SHEET**

**IN THE LAHORE HIGH COURT LAHORE.  
JUDICIAL DEPARTMENT**

Case No. W.P.No.32328 of 2014

Judicial Activism Panel

**Versus**

The Govt. of the Pakistan, etc

S.No. of order/ Proceeding	Date of order/ Proceeding	Order with signature of Judge and that of parties or counsel, where necessary
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29. 28.04.2017 Mr. Mohammad Azhar Siddique, Advocate for the petitioner.  
Mr. Anwaar Hussain, Assistant Advocate General Punjab.

Learned counsel for the petitioner wishes to withdraw this petition in order to register a protest against order dated 20.04.2017 passed in W.P. No.9156/2017 whereby another public interest petition allegedly filed by him, was dismissed with costs.

2. This is a public interest petition seeking enforcement of employment quota of disabled persons in public and private organizations. Public interest litigation (“PIL”), therefore, can be withdrawn only with the permission of the court as it is not a *dominus litis*<sup>1</sup>, therefore, the petitioner has no right to withdraw the petition on his sweet will. In Sheela Barse v. Union of India<sup>2</sup>, a writ petition was filed highlighting gross violation of fundamental rights of children. The petitioner thereafter sought permission to withdraw the petition. Rejecting the prayer, the Supreme Court of India held:

“If we acknowledge any such status of a *dominus litis* to a person who brings a public interest litigation, we will render the proceedings in public interest litigation vulnerable to and susceptible of a new dimension which might, in conceivable cases, be used by persons for personal ends resulting in

<sup>1</sup> Dominus Litis is a person to whom a suit belongs. This also means master of a suit. The person who has real interest in the decision of a case.

<sup>2</sup> AIR 1988 SC 2211

prejudice to the public weal. The Court also observed that in PIL, the petitioner cannot be allowed to impose conditions for his/her participation in the proceedings”.

Again, in S.P. Anand v. H.D. Dewe Gowda<sup>3</sup> a petition was filed challenging appointment of the respondent as the Prime Minister of India, contending that a person who was not a member of either House of Parliament could not hold the office of Prime Minister. At the time of hearing of the petition, he prayed for the withdrawal of the petition, however, court held as under:

“Here we must mention that in PIL cases, the petitioner is not entitled to withdraw his petition at his sweet will unless the court sees reason to permit withdrawal. In granting the permission the court would be guided by considerations of public interest and would also ensure that it does not result in abuse of the process of law. Courts must guard against possibilities of such litigants settling the matters out of court to their advantage and then seeking withdrawal of the case. There are umpteen ways in which the process can be abused and the courts must be aware of the same before permitting withdrawal of the petition.”

In Muhammad Alam and others v. Planning and Development Department, Government of Balochistan through Additional Chief Secretary and others (PLD 2014 Balochistan 1) Qazi Faez Isa, the then C.J. held that a public interest petition cannot be withdrawn.

3. The request of the learned counsel for the petitioner, as well as, the petitioner for withdrawal of the titled petition is therefore, declined. As the learned counsel does not wish to pursue the matter, office is directed to return the Power of Attorney of the learned counsel and ensure that name of Mr. Mohammad Azhar Siddique, Advocate does not appear in the next cause list of this case.

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<sup>3</sup> AIR 1997 SC 272

4. Office is directed to list this case in the next cause list as **“EMPLOYMENT QUOTA OF DISABLED PERSONS CASE”**.

*Iqbal/\**

**(Syed Mansoor Ali Shah)**  
Chief Justice

**APPROVED FOR REPORTING**