

**BEFORE THE PESHAWAR HIGH COURT MINGORA BENCH DARUL
QAZA SWAT.**

Writ Petition No. 189-M/2019

Abid Ullah s/o Kashar Khan r/o Bashgram Kot Tehsil Qilla District Dir
Lower.....Petitioner.

VERSUS

1. Deputy Inspector General of Police CTD Khyber Pakhunkhwa
Peshawar.
2. District Police Officer Dir Lower and others.....Respondents.

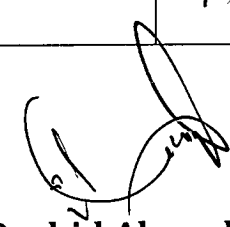
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Additional Registrar


(Rashid Ahmad)
DSP Legal
Dir Lower

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Abid Ullah s/o Kashar Khan r/o Bashgram Kot Tehsil Qilla District Dir
Lower.....Petitioner.

1. Govt of KPK through Secretary Home, Peshawar *Handwritten*
VERSUS
2. Deputy Inspector General of Police CTD Khyber Pakhunkhwa
Peshawar.
3. District Police Officer Dir Lower and others.....Respondents.

**PARA WISE REPLY ON BEHALF OF RESPONDENT NO. 03 AS PER
HONOURABLE HIGH COURT ORDER DATED 26-03-2019.**

RESPECTFULLY SHEWETH:

PRELIMINARY OBJECTIONS.

- 1) That this Honorable Court has no jurisdiction to entertain the present writ petition.
- 2) That the petitioner has no locus standi to file the present writ petition.
- 3) That the petitioner has not come to this August Court with clean hands.
- 4) That the present writ petition is not maintainable in its present form.
- 5) That the petitioner has suppressed and concealed the material facts from this Honorable Court.
- 6) That this writ petition is barred by law.
- 7) That this writ petition is not maintainable owing to non- joinder of necessary parties.

ON FACTS.

1. Needs no comments.
2. Incorrect, the name of petitioner was included in list of Schedule-IV of ATA (Amended) 1997 by Home Department vide notification No SO (Police) HD/11-2/2013/ Vol-IV, dated 13.02.2014. Copy enclosed as annexure "A". All these actions are carried out in accordance with law and no illegality has been committed in the whole process.

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Handwritten Signature
Additional Registrar

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3. Incorrect, the petitioner name has again notified for retention by Home department vide notification No. SO (Police-I)/HD/11-2/2018/Vol-XXIII, dated 12.03.2019. Copy enclosed as annexure "B".
4. Incorrect, the petitioner has got no causes of action to file the instant writ petition.

GROUNDS

(A) Incorrect, no malafide has been committed by respondents with petitioner in the process regarding listing his name in the list of schedule-IV of ATA (Amended) 1997. It is worth mentioning here that process for inclusion/deletion in list of schedule-IV regarding any person is not only rest with police, but the other intelligence agencies also involve in the whole process.

(B) Incorrect, the acts and actions of respondents in line with placing the name of petitioner in the said list are legal, lawful and constitutional. No infringement of the rights of petitioner has been committed.

(C) Incorrect, the name of petitioner was included in list of Schedule-IV and all these arise from his own conduct.

(D) Incorrect, the inclusion of the name of petitioner is in accordance with law and no violation of the fundamental rights of petitioner has been committed by respondents.

(E) Incorrect, the inclusion of the name of petitioner in list of Schedule-IV of ATA (Amended) 1997 is legal and constitutional. The rest of the para needs no comments.

(F) The respondents also seek leave of this Honourable Court to rely on additional grounds at the time of arguments/hearing.

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PRAYER:

It is therefore humbly prayed, that on acceptance of this para wise reply, the writ petition may kindly be dismissed with cost.


(Respondent No. 03)
District Police Officer
District Police Officer
Dy. Lower at Mergara

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**BEFORE THE PESHAWAR HIGH COURT MINGORA BENCH DARUL
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1. Deputy Inspector General of Police CTD Khyber Pakhunkhwa
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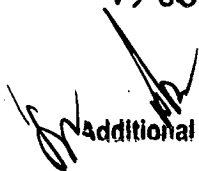
POWER OF ATTORNEY

Mr. Rashid Ahmad DSP- Legal Dir Lower is hereby
authorize to appear on my behalf and submit all the relevant documents as
and when required by the Honorable Court in the above Writ Petition.


(Respondent No. 03)
District Police Officer
Dir Lower
Dir Lower at Timergara

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(5)

BEFORE THE PESHAWAR HIGH COURT MINGORA BENCH DARUL QAZA SWAT.

Writ Petition No. 189-M/2019

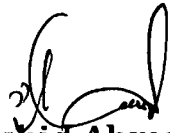
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VERSUS

1. Deputy Inspector General of Police CTD Khyber Pakhunkhwa Peshawar.
2. District Police Officer Dir Lower and others.....Respondents.

AFFIDAVIT

I Rashid Ahmad DSP Legal Dir Lower do hereby solemnly affirm and declare on oath, that the contents of the Para wise reply is true and correct to the best of my knowledge and belief and that nothing has been concealed from this Honorable Court.

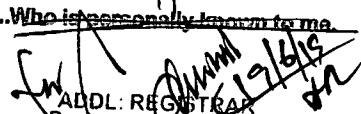

 (Rashid Ahmad)
 DSP Legal
 Dir Lower

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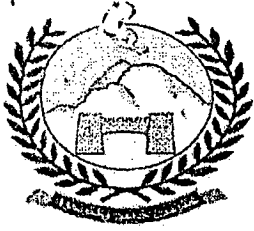
19 JUN 2019


 Additional Registrar

S.No..... 2788
 Certified that the above was verified on Solemn affirmation before me on this..... day of Jun 2019 by Rashid Ahmad S/o Munawar Khan R/o Dir (U) who was identified by.....
 Who is personally known to me.....


 ADDL REGISTRAR
 Peshawar High Court
 Mingora Bench/Dar-ul-Qaza, Swat.

P-(6) Annex "A"



GOVERNMENT OF KHYBER PAKHTUNKHWA,
HOME & TRIBAL AFFAIRS DEPARTMENT

Dated Peshawar the 13/02/2014.

NOTIFICATION.

No. SO (Police) HD/11-2/2013/Vol-IV. In exercise of the powers conferred under section 11 EE of Anti-Terrorism Act (ATA) 1997, Act No. XXVII of 1997 the Government of Khyber Pakhtunkhwa, is pleased to place the following persons on Schedule – IV of the Act *ibid* for further necessary action by the Provincial Police Officer, Khyber Pakhtunkhwa.

S#	Name and Parentage
Swat	
1.	Israr Ali s/o Muhammad Zamin r/o Kakot malam Jaba
2.	Bilal Mehboob Khan r/o baha PS Chuprial
3.	Maulana Muhammad Afzal s/o Sultan Muhammad r/o Ursoon PS Drosh
4.	Ali Mohammad s/o Hazrat Esa r/o Sara Chena Charbagh
5.	Ayat Ullah s/o Muhammad Tale Ullah rohani r/o Rorya Charbagh
6.	Ali Mohammad s/o Yar Mohammad r/o Alabad Charbagh
7.	Hussain ali s/o Nosher alam r/o Asahr Buner Charbagh
8.	Usman Ali s/o Raza Khan r/o Sara Chena Charbagh
9.	Kahdi Rahman s/o Talimand r/o Tetai Wala charbagh
10.	Fazal Ahad s/o Ali Sher r/o Rahmat Abad
11.	Abdur Raziq s/o Faramoz r/o Makad PS Malamjaba
12.	Mohammad Ayaz s/o Shamrooz r/o Makad PS Malamjaba
13.	Habib ur Rehman s/o Faramoz r/o Makad PS Malamjaba
14.	Mohammad Laeeq s/o Mohammad Anwar r/o Alam gang Charbagh
15.	Abdul Wahid s/o Faramoz r/o Makad Taligram
16.	Muhammad Room s/o Bughadadai r/o Makad Taligram
17.	Karim Ullah s/o bakhat yar r/o Badar Ser r/o MalamJaba
18.	Said Farman ali s/o Said Mahmood r/o Ser MalamJaba.
19.	Fazal Hadi s/o Abdul Manan r/o Maasar Ashar banr, Swat
20.	Sarfraz Khan s/o Hakim Khan r/o Mira charbagh Swat

Arrested
DS.P. Legal
Dir. Genl.

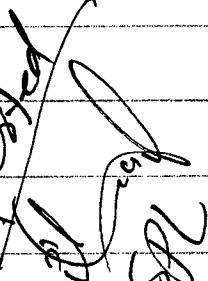
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Amroo (A)

L

Dir Lower.

1.	Bakht Zar Jan s/o Fateh Muhammad r/o Ashrogai Tehsil Lal Qilla
2.	Hamid Rehman s/o Jamshed Rehman r/o Ashrogai PO Khar Kanal Tehsil Lal Qilla
3.	Ibrar s/o Muhammad Hussain r/o Damarakai Tehsil Lal Qilla
4.	Muhammad s/o Ghulam Muhammad r/o Khazana Tehsil Lal Qilla
5.	Muhammad Ismail s/o Toor Jan r/o Koro Bagh Tehsil Lal Qilla.
6.	Abdul Karim Khan s/o Umar Khan r/o Minzail Tehsil Lal Qilla
7.	Bahadar Khan s/o Fazal Ghafoor r/o Bandai Tehsil Lal Qilla
8.	Naseer Ahmad s/o Amir r/o Kumber Tehsil Lal Qilla
9.	Bakht Shah Zaib s/o Bahadar Khan r/o Banda Tehsil Lal Qilla
10.	Subhan e Mulk s/o Dilawar Khan r/o Tango Dherai Tehsil Lal Qilla
11.	Muhammad Raziq s/o Saif Ur Rehman r/o Soori Pao Banda Tehsil Lal Qilla
12.	Umar Wahid s/o haji Wali r/o Haya Serai Shah Bandai Tehsil Balambat
13.	Muhammad Javid s/o Hamid ur Rehman r/o Kas Bala PO Lajbok Tehsil Balambat
14.	Fazal Ghafaar s/o Abdul Sattar r/o Lajbok Tehsil Balambat
15.	Habib Said s/o Said Baqar r/o Barjogat PO Kumar Tehsil Lal Qilla
16.	Shahid Zarin s/o Khan Zarin r/o Atto PO Kumbar Tehsil Lal Qilla
17.	Hassan shah s/o Fateh Muhammad r/o Sarskhwani PO Bishgram Tehsil Lal Qilla
18.	Kamal ud Din s/o Dilbar Hussain r/o Qilla Asbanr Tehsil Adenzai
19.	Muhammad Ismail s/o Fazal Qadim r/o Shahgai PO Kumbar Tehsil Lal Qilla
20.	Abid Ullah s/o Kashar Khan r/o Kot Bishgram Tehsil Lal Qilla
21.	Muhammad Usman s/o Khaista Rehman r/o Kot Bishgram Tehsil Lal Qilla
22.	Hafiz Ullah s/o Bakht Biland r/o Qandu Kacha Tehsil Lal Qilla
23.	Muhammad Ishaq s/o Hayat Muhammad r/o Sher khanay Tehsil Lal Qilla
24.	Asmat Ullah s/o Zahid Khan r/o Karoja Tehsil Lal Qilla
25.	Naseem s/o Khaista War Khan r/o Lacho Tehsil Lal Qilla
26.	Muhammad Israr s/o Abdul Hameed r/o Dabano Tehsil Lal Qilla.
27.	Farman Ullah Khan s/o Habib ul Hassan r/o Dukhrai Khan Abad Tehsil Lal Qilla
28.	Ikram ullah s/o Sardar Bacha r/o r/o Takwaro Munda Tehsil Lal Qilla
29.	Fazal Qadir s/o Gulbar Said r/o barjugat Tehsil Lal Qilla
30.	Said Muhammad s/o Umar Muhammad r/o Khazana Tehsil Lal Qilla

Attested

 DGP
 BIC

(8) Annex (A)

2. Moreover, in exercise of the powers conferred under clause 2 (a) of section 11 EE, ibid, the Government of Khyber Pakhtunkhwa, is also pleased to direct that all the persons all the persons shall be kept under vigilance, check and their activities monitored. Surety bond shall also be obtained from all of them in accordance with the SOP issued by the Ministry of Interior, Government of Pakistan.

3. Persons mentioned above may make a representation to the Government against this notification, if so desired.

Secretary to Govt. of Khyber Pakhtunkhwa
Home & Tribal Affairs Department

No. SO (Police) HD/11-2/2013/Vol-IV, dated 13/02/2014.
Copy forwarded to the:-

1. Secretary to Government of Pakistan, Ministry of Interior, Islamabad.
2. Director General Crisis Management Cell, Ministry of Interior, Islamabad.
3. Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar with two spare copies for service on the above noted suspects and return of one copy to this Department for record.
4. PS to Secretary Home & Tribal Affairs Department Khyber Pakhtunkhwa.

Section Officer (Police)

Attested
DSP: L



**GOVERNMENT OF KHYBER PAKHTUNKHWA
HOME & TRIBAL AFFAIRS DEPARTMENT**

Dated: 12.03.2019

NOTIFICATION

No. SO (POLICE-I)/HD/11-2/2018/Vol-XXIII In exercise of the powers conferred under section 11 EE of Anti-Terrorism Act, 1997 (Act No. XXVII of 1997), the competent authority is pleased to retain the following persons of District Dir Lower on Schedule-IV of the Act ibid for further necessary action by the Provincial Police Officer, Khyber Pakhtunkhwa:-

S No.	NAME, FATHER NAME, ADDRESS	CNIC No.
1.	Adam Badshah s/o Abdul Wahid r/o Warsak, PS Ouch, Dir Lower.	15307-2293994-1
2.	Muhammad Afzal s/o Muhammad Rasool Khan r/o Tazagram, PS Ouch, Dir Lower.	15307-6782710-5
3.	Shahid Khan s/o Abdul Azeem r/o Ouch, PS Ouch, Dir Lower.	15307-7433551-7
4.	Rahman uddin s/o Noor Muhammad Din r/o Naway Kalay, Khanpur, PS Ouch Dir Lower.	15302-0900285-5
5.	Amin Zada s/o Amin ul Haq r/o Moranai, PS Balambat, Dir Lower.	15306-3245290-5
6.	Haleem Said s/o Rahim Said r/o Monrani, PS Balambat, Dir Lower.	15306-7029398-7
	Abid Ullah s/o Kasha Khan r/o Beshgram Kot Mardan, PS Lalqilla, Dir Lower	15305-1253211-5
8.	Ihsan ul Haq s/o Mian Teghun Said r/o Planaa Dherai, PS Zaimdara, Dir Lower	

2. Moreover, in exercise of the powers conferred under Clause 2(a) of Section 11EE of Anti-Terrorism Act, 1997, the competent authority is further pleased to direct that the above mentioned persons shall be kept under vigilance and their activities be monitored. Surety bonds shall also be obtained from them in accordance with the SOP issued by the Government of Pakistan, Ministry of Interior Islamabad.

3. The persons mentioned above may make a representation to the Government against this Notification, if they desire so.

**SECRETARY TO GOVT. OF KHYBER PAKHTUNKHWA
HOME & TRIBAL AFFAIRS DEPARTMENT**

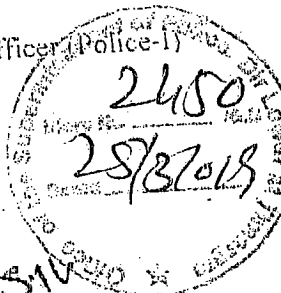
Copy forwarded to:-

1. The Secretary to Government of Pakistan, Ministry of Interior Islamabad.
2. The Director General Government of Pakistan, National Counter Terrorism Authority (NACTA) Islamabad.
3. The Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
4. The Chairman, Securities & Exchange Commission of Pakistan (SECP), Islamabad.
5. The Director General Federal Investigation Agency (FIA), Counter Terrorism Wing (CTW), Islamabad.
6. The Governor, State Bank of Pakistan (SBP), Karachi.
7. The Chairman, NADRA, Islamabad.
8. The Director General Immigration & Passport, Ministry of Interior, Islamabad.
9. The Secretary Home Department, Government of Punjab.
10. The Secretary Home Department, Government of Sindh.

Attested
SP-2
Dir

- 11. The Secretary Home Department Government of Balochistan.
- 12. The Secretary Home Department, Government of Gilgat Baltistan.
- 13. The Secretary Home Department AJK.
- 14. The Chief Commissioner ICT, Islamabad.
- 15. The Joint Director General Intelligence Bureau (IB), Headquarter Khyber Pakhtunkhwa, Peshawar.
- 16. The Deputy Inspector General of Police, Counter Terrorism Department, Khyber Pakhtunkhwa, Peshawar w.r.t his letter No.979-80/SUR/CTD, dated 17.01.2019
- 17. The Regional Police Officer Malakand
- 18. The District Police Officer Dir Lower.
- 19. The SP CTD Malakand Region, Malakand.
- 20. The PS to Secretary Home & Tribal Affairs Department.

Section Officer (Police-1)



SP Inv. Dir
Inspector Genl
I/C Schedule IV

NO 1513
dt. 22/3/2019
Ye s-iv / DPO Dir Lower
For action

[Signature]

District Police Officer
Dir Lower

25/3

[Signature]
Office Supdt:
For Regional Police Officer
Malakand, at Saidu Sharif Swat

Attested
[Signature]
D.S.P. C
Dir C