

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
C.P No.D-4849 of 2024
(Late) Freni Shahpur Shroff v Federation of Pakistan & others)

Date	Order With Signature Of Judge
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Date of hearing and order:- 23.02.2026

Mr. Ahmed Madni, advocate for the petitioner.
Mr. Tariq Hussain, advocate for KPT.
Ms. Wajiha Mehdi, Assistant Attorney General.

ORDER

Adnan-ul-Karim Memon, J Petitioner has filed this petition under Article 199 of the Constitution of the Islamic Republic of Pakistan 1973 seeking the following relief(s):-

*“(a) Declare that the Impugned Show Cause Notice dated 24 September 2024 (Annexure H) was issued with mala fide intent and without lawful authority
(b) Declare that the Impugned Show Cause Notice dated 24 September 2024 (Annexure H) is arbitrary, mala fide, coram nonjudice, and without jurisdiction, in addition to being unlawful and unreasonable;
(c) Declare that the Petitioners are the lawful co-owners of the Subject Property and have legal inheritance rights thereto.
(d) Set aside the Impugned Show Cause Notice dated 24 September 2024 (Annexure H) and restrain the Respondent No.2, along with any of their agents, officers, staff members, or police, from implementing or acting upon it, including the removal of the Petitioners from the Subject Property or any further harassment of the Petitioners.”*

2. Learned counsel for the Petitioners submits that the Petitioners are the legal heirs of late Freni Shahpur Shroff, who passed away on 14.07.2022, leaving behind the residential property bearing House No. 7-B, Lalazar, Off M.T. Khan Road, Clifton, Karachi (“Subject Property”), which has remained in continuous possession of the Petitioners since their birth. It is added that upon her demise, the Petitioners filed Succession Miscellaneous Application No. 88 of 2023 before the this Court, pursuant to which the Subject Property was duly verified by Respondent No.2, i.e., the Karachi Port Trust, and a Letter of Administration was subsequently issued on 19.03.2024 in favour of the Petitioners. It is further submitted that despite acknowledging the Petitioners’ status as lawful legal heirs, Respondent No.2 issued an impugned Show Cause Notice dated 24.09.2024 alleging unauthorized occupation of the Subject Property and calling the Petitioners for appearance on the same date. However, the said notice was received by the Petitioners on 26.09.2024, rendering compliance impossible. He argued that notwithstanding this, Petitioner No.1 appeared before Respondent No.2 on 27.09.2024 along with a reply and supporting documents including proof of succession and payment of estate bills, but the same were not duly considered. Learned counsel

contends that the impugned Show Cause Notice was issued without lawful authority, jurisdiction or proper notice, in violation of principles of natural justice and in disregard of the judicial recognition already accorded to the Petitioners' inheritance rights through the Letter of Administration. He submitted that the Petitioners, having no alternate efficacious remedy, have approached this Court seeking protection against unlawful dispossession from the Subject Property and the mala fide actions of Respondent No.2, which infringe upon their fundamental rights guaranteed under the Constitution of the Islamic Republic of Pakistan, 1973. Learned counsel for the petitioners lastly contended that the respondent Karachi Port Trust (KPT) issued the impugned notice without assigning any valid reasons. He prayed to allow this petition.

3. When confronted with this position of the case, learned counsel for KPT submitted that the petitioners would be provided a proper and meaningful hearing if they approach the Grievance Redressal Committee constituted by KPT. The request seems reasonable and has been conceded by the counsel for the petitioners, and they seek the disposal of the petition in the said terms. The proposal of the parties seems to be reasonable and acceded to.

4. In view of the above and with the consent of learned counsel for the parties, the instant petition is disposed of along with pending application(s), if any, with the direction that the Petitioners shall appear before the Grievance Redressal Committee constituted by the Karachi Port Trust within one week from today. Upon their appearance, the Grievance Redressal Committee shall afford the Petitioners a fair and meaningful opportunity of hearing, consider their reply and all supporting documents in accordance with law, and thereafter place its recommendations before the Competent Authority for a final decision strictly in accordance with law after observing due process. It is clarified that till the final decision by the Competent Authority, no coercive action shall be taken against the Petitioners in respect of the Subject Property.

5. The petition, along with listed application(s), stands disposed of in the above terms.

JUDGE

JUDGE