

Order Sheet

IN THE HIGH COURT OF SINDH AT KARACHI

C. P. No. S-345 of 2025

Date	Order with Signature of Judge
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Hearing / priority

1. For order on office objections 1 to 5 a/w reply as at A.
2. For hearing of CMA No.2921/2025.
3. For hearing of main case.

05.06.2025

Mr. Arbaz Waseem Shaikh, Advocate for the petitioner
a/w Mirza Abdul Moiz Baig Advocate.
Mr. Minhal Junejo, Advocate, holding brief for
Mr. Nisar Ahmed Shar, Advocate for respondent No.2.
Respondent No.2 Syed Shujaat Ali present in person.
Mr. Muhammad Ali Bhatti, Assistant Director, Culture, Tourism,
Antiquities, and Archives Department, Government of Sindh.
Mr. Waqar Azeem Ahmed, SHO of P.S. Soldier Bazar.

Through the instant petition, the petitioner has claimed the following reliefs:

- i. Declare that the Private Respondents' harassment of the Petitioner is illegal and mala fide;
- ii. Declare that Respondent No.1's inaction prejudices the Petitioner's rights including her right to life;"

It appears that the petitioner is residing in a building known as Merwan Lodge, Parsi Colony, Jamshed Quarters, M. A. Jinnah Road, Karachi, which as per the contents of the petition has been declared as heritage property by Culture, Tourism, Antiquities, and Archives Department, Government of Sindh. The petitioner has filed a suit bearing No.06 of 2025 before the Court of Senior Civil Judge for enforcement of certain rights relating to the property. The petitioner asserts that she was undertaking certain repair works in the said house which was a fundamental right being the owner of the house. The respondent No.2, who is a private person, has objected on such renovation and on his instance the respondent No.1 / SHO P.S. Soldier Bazar was harassing the petitioner off and on.

Respondent No.2 Syed Shujaat Ali is present in person and his counsel is reported to be out of station. Respondent No.1 / SHO P.S. Soldier Bazar contends that the house wherein the petitioner is residing has been declared as protected heritage and the petitioner cannot undertake the repair works except by permission from the concerned department and he has not caused any harassment to the petitioner. He has performed his duties in accordance with law. Respondent No.2 submits that he is security incharge of Parsi Colony and the

petitioner, who is a non-Parsi, is causing problems, therefore, the security available at Parsi Colony is always vigilant to protect the residents from any untoward incident. No harassment has been caused to the petitioner as alleged.

Since the issue involved in the petition is a residential house which is a protected heritage falling within the domain of the Culture, Tourism, Antiquities, and Archives Department, Government of Sindh, the petitioner, if is willing to undertake any renovation, has to do it in accordance with law and the parameters fixed for the protection of the heritage property. The respondents No.1 and 2 cannot in any manner intervene into the private affairs of the petitioner and they cannot harass her, however, the respondent No.1 can take any action within the premise of law.

The respondents No.1 and 2 are hereby directed to conduct themselves strictly in accordance with law and to ensure that no harassment is caused to the petitioner and if the Culture, Tourism, Antiquities, and Archives Department, Government of Sindh, intends to take any action with regard to the property, it will be subject to the premise of the Sindh Cultural Heritage (Preservation) Act, 1994. The respondent No.2 submits that after the filing of this petition and in terms of the earlier order passed by this Court, the respondent No.2 is even not allowed to visit the other properties. Since this Court did not pass any order restraining the respondent No.2 from supervising the other properties of Parsi Colony and he was only restrained not to interfere in the repair works which are being conducted by the petitioner, therefore, the respondent No.2 may continue supervising the properties of Parsi Colony in terms of the byelaws of the society. The petitioner may approach the concerned SSP if the SHO of the concerned police station takes the law in hands and SSP may take action in accordance with law.

The petition stands disposed of alongwith listed application. A copy of this order be sent to SSP East and Advocate General Sindh Office for compliance.

J U D G E

Asif