

Order Sheet

IN THE HIGH COURT OF SINDH AT KARACHI

C. P. No. S – 636 of 2025

Date	Order with Signature of Judge
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Hearing / Priority

1. For order on CMA No.6042/2025 (if granted)
 2. For order on CMA No.6043/2025 (u/ O1 R10 CPC r/w S 151 CPC)
 3. For order on CMA No.6044/2025 (u/s 151 CPC)
- (This matter is already fixed in Court on 18.12.2025 as per roster)
(U/A a/w Applns filed by Adv for Respondent)

09.09.2025

Mr. Ahmed Ali Hussain, Advocate for the applicant.
Mr. Nasrullah Malik, Advocate for respondent No.4.
Mr. M. Javed K.K., AAG Sindh.

1. Urgency granted.

2&3 The **Respondent No.4** as per the title of the petition, **Abdul Waheed Sanjrani** (and described in paragraph 11 of the petition as ‘the Respondent 4, Karachi Development Authority (**KDA**)’)¹ is/are aggrieved by the impugned Order dated 30.07.2025 passed by the Regular Bench of the High Court in writ jurisdiction allowing ultimate relief in this Petition on its very first date of presentation without notice to and without hearing any of the Respondents, including the proposed necessary parties mentioned in CMA No.6043/2025, namely (i) Deputy Commissioner District Karachi East, (ii) Mukhtiarkar (Revenue) Gulshan-e-Iqbal Town, District East Karachi, (iii) Director-General, KDA, (iv) Executive Engineer KDA Scheme 36, Gulistan-e-Jauher, District East, Karachi and (v) Survey Superintendent Karachi, as contended by Respondent No.4 Counsel, by allegedly playing fraud on the Court and misleading the bench (CMA No.6043/2025) to passing Orders in a “**Harassment Petition**” whereby:

“Nazir of this Court is appointed as Receiver on Plot No.FL-7, Block-6, KDA Scheme 36, Gulistan e Johar Karachi inter alia to take possession of the subject property, post guards, install appropriate sign board informing the general public about the Court’s attachment and Court’s Orders and to supervise smooth construction of boundary wall at the cost of the petitioner and to take all necessary measures to

¹ Annexures “A/17” and “A/18” available on pages 309 to 315 of the petition.

protect and preserve the aforementioned properties
during pendency of the instant petition.”

Respondent Counsel submits that the Order dated 30.07.2025 in this lis is contrary to the Order dated 05.09.2024 passed by the Division Bench of this Court in C.P. No.D-1608/2005,² that:

“[L]earned counsel for the interveners appearing in CMA No.18655/2024 submits that there is a village and they will pursue remedy of title and possession in accordance with law.”

He further contends that the Order dated 30.07.2025 is also in violation of the trial Court, Tribunal Anti-Encroachment, Karachi Status Quo Order dated 13.10.2023 in Civil Suit No.34/2023 (Re: Abid Hussain and others v. D.G. KDA and others),³ wherein the petitioner is impleaded as Defendant No.13 and subject plot no.FL-7, Block 6, Gulistan-e-Jauher, District East, Karachi (“Subject Property”), is included in Para 4 of the plaint, and the civil suit is also pending trial and involves the proposed necessary parties (i) to (v) listed above, the petitioner and respondents.

Respondent No.4 Counsel submits that, given the above submissions, the proposed necessary parties (i) to (v) are essential for proper adjudication of this lis and craves indulgence of this bench to issue notice of the two applications CMA Nos.6043 and 6044 of 2025, and suspend the impugned Order dated 30.07.2025 to bring the proper and correct facts to the notice of the Court.

Counsel for the Petitioner is present and waives notice of the applications, and copies of the same are supplied to him. He requests time to file Counter-Affidavits. Request granted. Petitioner Counsel also requests that this bench call for a report from the Nazir. Petitioner Counsel’s request appears to be reasonable; the Nazir is directed to submit a Report to this bench, before the next date of hearing, highlighting the following matters concerning the Subject Property:

² Copy of the Order dated 05.09.2024 is marked as Annexure “A/13” and available on pages 115-117 of the petition.

- (a) The description of works carried out by the Nazir to date in his capacity, as a “Receiver”, in terms of the **words/phrases highlighted** in the Order dated 30.07.2025 as reproduced above on page 1 above and their current status, including whatever Nazir found when he reached the Subject Property on 30.07.2025;
- (b) Photographs in support of (a) above;
- (c) Photographs of the adjoining vicinity;
- (d) Google Map, official maps or any other visual aids to assist the Court in ascertaining the surrounding areas and location of the Subject Property;
- (e) Any other information necessary for ascertaining the proper and correct picture on the ground relevant to the dispute;

Meanwhile, until the next date of hearing, the Order dated 30.07.2025, is modified to the extent that the Nazir is directed to maintain status quo between the parties, viz., the Petitioner and Respondents, all of whom are temporarily restrained, including, the yet to be impleaded necessary parties (i) to (v) proposed by Respondent No.4, from taking any further action in terms of raising or facilitating construction on the Subject Property and/or to create any new situation, further to the one which was in place before the Order dated 30.07.2025 till the next date of hearing.

Office to ensure compliance.

To come up on 15.09.2025 at 09:00 a.m.

J U D G E

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Asif