ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

Const. Petition No. D-5822 of 2018

Date	Order with signature of Judge

Before:-
Mr. Justice Riazat Ali Sahar
Mr. Justice Ali Haider 'Ada'

For hearing of Main Case.

04.11.2026

Nemo for the Petitioner.
Mr. Abdul Jalil Zubedi, Addl. A.G., Sindh.
Mr. Iqbal Khurram, Advocate for Respondent/KMC.
Mr. Masroor Ahmed, Advocate for Respondent/KW&SB.
Mr. Zulfiqar Mirjat, Advocate for Respondent/K.E.
Mr. Tufail DSP (Legal) TRO Karachi.

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O R D E R

RIAZAT ALI SAHAR, J.— The instant Constitutional Petition pertains to the year 2018 and has remained pending for more than eight years. A perusal of the case diary reveals that the matter was last fixed before this Court on 15.08.2018, and since then, no effort appears to have been made by the petitioner to have the matter listed for hearing.

2. A perusal of the record reveals that the petitioner, claiming to be a social worker, has instituted the instant petition purportedly in the public interest and for the welfare of the residents of Sehwani Colony/Cosmopolitan Society (Gurumandir), Jigar Murdabadi Road, New Town, Karachi. The petitioner has raised grievances regarding alleged unlawful activities being carried out by respondent Nos.1 to 10 in the locality, closure of Hansa Park by the Karachi Metropolitan Corporation (KMC), and alleged encroachments in and around the said park. It is further alleged that the residents of the locality are facing various difficulties owing to the non-provision of basic civic amenities and the failure of the concerned authorities to discharge their statutory obligations.

3. It is pertinent to observe that the instant petition has remained unattended for more than eight years, and the petitioner has made no effort to pursue the proceedings or bring any subsequent developments to the notice of this Court. The grievances raised in the petition primarily relate to the prevailing civic conditions and alleged encroachments

existing at the time of its institution. In the absence of any updated material regarding the present status of the subject park, alleged encroachments or civic amenities, it cannot be presumed that the factual circumstances prevailing in 2018 continue to exist in the same manner. Moreover, no material has been placed on record to demonstrate that any effective relief, in the form originally sought, still survives for adjudication.

4. In these circumstances, particularly in view of the considerable lapse of time, lack of diligent prosecution and absence of any material establishing the subsistence of the original cause of action, we are of the considered view that no useful purpose would be served by keeping the instant petition pending indefinitely. Accordingly, the instant Constitutional Petition is **disposed of** as having become infructuous, along with all pending application(s), if any, with no order as to costs. However, it is clarified that this order shall not absolve the concerned statutory authorities of their obligation to maintain public parks, remove unlawful encroachments and ensure the provision of civic amenities in accordance with law. The petitioner or any other aggrieved person shall be at liberty to approach the competent authority for redressal of any subsisting grievance in accordance with law.

JUDGE

JUDGE

M. Khan