

ORDER SHEET  
IN THE HIGH COURT OF SINDH, KARACHI  
C.P. No. D-1256 of 2019

Mrs. Farida Mansoor

Versus

S.B.C.A. & another

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DATE ORDER WITH SIGNATURE(S) OF JUDGE(S)  
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*BEFORE: Justice Irfan Saadat Khan,  
Justice Muhammad Faisal Kamal Alam, JJ*

1. For orders on office objection
2. For hearing of CMA No.5756/2019 (stay)
3. For hearing of main case.

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07.10.2021

Mr. M. Saleem Mangrio, advocate for the petitioner.  
Mr. Dhani Bux Lashari, advocate for S.B.C.A.

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The instant petition has been filed challenging the show cause notice dated 08.02.2019 issued by the SBCA. Notices thereafter were issued to SBCA. The counsel appearing for the petitioner states that the petitioner has rented out her property bearing Plot NO.F-60/1 measuring 2045.66 sq.yds situated at Block-4, Scheme-5, Clifton, Karachi on lease to Unilever Pakistan Limited for residential purposes for its officers/officials coming from other parts of the country, vide agreement dated 15.06.2006, which is stated to have been extended from time to time. Counsel for the petitioner states that at no point of time the said property has been used either for commercial purposes or for any other purpose other than as a dwelling / guest house for the officials of the Unilever. He therefore, states that the show cause notice issued by the SBCA is illegal and uncalled for. He finally has prayed that the instant petition may be allowed by vacating the said show cause notice issued by the SBCA.

Mr. Dhani Bux Lashari, counsel appearing for SBCA has vehemently opposed the averments of the learned counsel for the petitioner. He states that the said property is being used for commercial purposes as guest house and moreover, there are some internal changes have been made in the said

house without taking approval from them. The learned counsel finally stated that the show cause notice issued was in accordance with law and the instant petition may, therefore, be dismissed, being without any merit.

We have heard both the learned counsel at some length and have also perused the record.

The record clearly reveals that the said property was given by the petitioner to Unilever Pakistan Limited for residential purposes only for temporary stay of its officers / officials and the same has not being used either for any commercial activities or for any other purpose other than for residential purposes. It is also an admitted position that there is no violation with regard to any external change in the property either by the petitioner or by the Unilever Pakistan Limited. So far as internal changes are concerned, the counsel for the petitioner has categorically stated that no internal change has been made by them, which could be verified, if desired. It is noted from the record that when the building has not been used other than for residential purposes for the officials of the Unilever Pakistan Limited coming from abroad, it can neither be presumed that the same has been used either as guest house or dwelling house nor that it has been commercially used. We therefore, are of the view that show cause notice issued by the SBCA was without any basis and does not merit consideration. We therefore, allow this petition and vacate / set aside the show cause notice issued by the SBCA. The SBCA however would be at liberty that if they found any violation in the building as per their rules and regulations they could proceed against the petitioner in accordance with law.

Instant petition alongwith all the listed and pending applications, if any, stands disposed of.

JUDGE

JUDGE

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