

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C.P.No.D-1269 of 2009

Date	Order with signature of Judge
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For orders on MIT-II report dated 19.04.2021

08-04-2022

Mr.M. Naeem Imam, Advocate for the Petitioner.
Mr.Dhani Bukhsh Lashari, Advocate for SBCA
Mr.Mubarak Ali Shah, Advocate for K.D.A.
Ms.Leela Kalpana Devi, Additional Advocate General.

Instant petition was filed by the petitioner on 22.06.2009 for seeking directions of this Court to stop commercial use of residential premises in Sector 8-A, Gulshan-e-Zahoor as well as removal of Commercial Signboards, Lines Area, Karachi, which was finally disposed of vide order dated 20.11.2012 with the directions to the respondents to ensure that no commercial activity shall be taken on the subject residential premises, whereafter, compliance report was also submitted through M.I.T., however, the petitioner was not satisfied with such compliance, and filed various applications including contempt of court application for violation of Court's order by the alleged contemnors. However, such application was also disposed of pursuant to compliance made by the respondents and the alleged contemnors. However, it appears that another application has been filed by the petitioner once again alleging non-compliance of the Court's order as referred to hereinabove, wherein, it has been stated that Billboards have been installed in the said area, which are required to be removed by the official respondents, however, needful has not been done. Such contention has, however, been disputed by the respondents.

Prima facie, it appears that without any site inspection, on such contention of the petitioner various orders have been passed, wherein, directions were issued to the SBCA including K.M.C. and D.M.C. Karachi East to remove such Billboards and to submit compliance through M.I.T., whereas, pursuant to such directions MIT-II has submitted report dated 19.04.2021 along with photographs as well as compliance report furnished on behalf of D.M.C. Karachi East dated 07.04.2021, which is read as under:-

“ IN THE HIGH COURT OF SINDH KARACHI

Submitted:

It is respectfully submitted that the order dated 30-03-2021 was passed by this Honourable Court in C.P. No.D-1269/2009 (Flag 'FR'), the relevant portion of the said order pertaining to this office is reproduced as under: -

“We, under the circumstances of the case, are not in a position to thrash out the allegations and counter-allegations through the listed applications, however, we deem it appropriate to dispose of the listed applications with direction to the Director-General, SBCA, Competent Authority of DMC East to look into the matter personally and comply the orders passed by this Court in the present proceedings in its letter and spirit within two weeks from the date of receipt of this order and report compliance to this Court through MIT-II for perusal”

2. The above order was sent to the Director General, SBCA, and DMC East by the Assistant Registrar (Writ) of this Court on 02-04-2021.

3. In compliance of the above order, compliance report dated 07-04-2021 has been received from Ms.Saima Anjum Advocate, Legal Advisor DMC (East) Karachi, submitted by Municipal Commissioner, District Municipal Corporation, Karachi East, which may kindly be perused at **Flag 'A'**, whereas, no report is received to this office from SBCA till filing of this report.

4. The Assistant Registrar (Writ) may be required to place this C.P.No.D-1269/2009, for orders as deemed fit by the Hon'ble Bench.

Sd/-

Assistant Registrar (Inspection)

Learned Member Inspection Team-II

Assistant Registrar (Writ)”

Along with aforesaid report a comprehensive report has also been furnished by D.M.C. Karachi East, the Director

Advertisement, District Municipal Corporation, Karachi East vide letter dated 21.12.2020 addressed to the Administrator, District Municipal Corporation, Karachi East, wherein, it has been stated that pursuant to orders passed by hon'ble Supreme Court in a Suo Moto Case on 10.08.2020, all the Billboards from subject area have been removed from public properties and comprehensive report have been furnished before Hon'ble Supreme Court of Pakistan. However, the learned counsel for the petitioner has raised another ground that some unscrupulous persons have encroached up a Public Park in front of House Nos.R-191 to R-195, Lines Area, wherein some residential houses have been constructed.

It appears that what has been agitated through the current application is beyond the scope of instant petition or the relief being sought therein, whereas, the case was finally disposed of in the year 2012. Thereafter, various orders have been passed calling compliance of the Court's order. However, it is pertinent to note that scope of this petition has been enlarged by filing various applications. If the petitioner has any further grievance he may file fresh petition pointing out any violation of law, or any illegal construction or encroachment and installation of Billboards etc. on which appropriate order will be passed, instead of filing continued applications in this disposed of petition.

Accordingly, all the pending applications stand disposed of, whereas, no further application shall be filed in the instant petition, the same shall be consigned to record.

Judge

Judge