

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
C.P. No.D-372 of 2017

Date	Order with Signature of Judge
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1. For hg of CMA No.1741/17

2. For hg of main case

13.04.2022.

Mr. Irfan Aziz, advocate for petitioner.

Mr. Dhani Bux Lashari, advocate for respondent No. 1.

Ms. Leela Kalpna, AAG.

Learned counsel for respondent No. 1 has filed compliance report alongwith annexures on behalf of respondent No.1 SBCA, wherein it has been stated that the order passed by this Court on 17.03.2022 has been duly complied with, the same is taken on record, copy supplied to learned counsel for the petitioner, who submits that in view of the compliance submitted by the respondent No. 1, instant petition may be disposed of alongwith pending application including the application for contempt of Court.

Compliance report submitted by SBCA is made part of this order, which is reproduced hereunder for ready reference:-

“ In compliance of order dated 17.03.2022 and in continuation of previous report filed by the respondent SBCA, it is respectfully submitted on behalf of the respondent No. 1, SBCA, as under:-

1. That the competent authority has already constituted an Enquiry Committee vide office order dated 17.12.2021 for enquiry and fix responsibility of officers/officials who remained posted in the area at the time when construction was going on in violation of approved plan and on report of enquiry committee penalty already imposed on delinquent officer/officials of SBCA. (Photocopy of office order is annexed as “A”).

2. That the authority had already issued notice and violations has been removed on different dates till dated 13.01.2022 and cleared the Arcade on Ground Floor, Excess Covered Area and Shops in Basement (Air Raid Shelter Area) have also been got removed.

3. That since the major violation have been removed and remaining violations have become within compoundable under Section 19(1-C) SBCO-1972/82 (amended up to date) the owner submitted application dated 12.01.2022 for grant of time to submit completion plan and the authority has allowed 15 days' time to submit completion plan as per Section-06(2) of the SBCO, 1979, that the owner submitted revised building plan which was scrutinized and rejected the same with direction to the owner to remove the violation but owner did not obey the lawful instructions of authority SBCA therefore the SBCA taken demolition action and remove the violations at subject plot.

4. That in compliance of order passed by this Honorable Court on dated 17.03.2022 the competent Authority SBCA again issued a letter to the Chairman Enquiry Committee of subject matter with direction to re-enquire the matter and submit detail report on emergent basis. (Copy of letter is attached as annexure "B").

Further report will be submit before this Honorable Court."

Since, the violations have been removed, whereas, compoundable violation will be dealt in accordance with law, rules and regulations by SBCA, therefore, instant petition alongwith pending application stands disposed of. However, the respondents shall ensure that no illegal/unauthorized construction, except in accordance with law and as per approved plan may be allowed to be raised on subject property, and there shall be no violation of the Court's orders already passed in the instant petition. The Chairman Enquiry Committee may submit further compliance report within two months through M.I.T. II.

JUDGE

JUDGE

HANIF