

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH, KARACHI**

**Suit No. Nil of 2022**

[Marvi Mazhar v. the Karachi Metropolitan Corporation and others]

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Order with signature of Judge(s)

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1. For orders on CMA No.9755/2022 (Urgent Application)
2. For orders on office objection at flag 'A'
3. For orders on CMA No.9756/2022 (U/O XXXIX Rules 1 & 2)

**20.06.2022**

Mr. Muhammad Jibran Nasir, Advocate for the plaintiff

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1. Urgency granted.
2. Learned counsel undertakes to pay the cost within seven days. For office objection No.2, learned counsel files amended title, which is taken on record.
3. Learned counsel for the plaintiff submits that the plaintiff since January, 2019 has been serving as member of the Advisory Committee on Heritage set up by the then National History & Literary Heritage Division, currently known as National Heritage & Cultural Division, Government of Pakistan, and she is part of the Provincial Monitoring Committee for Sindh, appointed vide Notification No.F.3-74/2018-DOAM dated 15.04.2022, available at page-19.

Per learned counsel, the cause of action that led the plaintiff to move to this Court is the blatant infringement and tarnishment of the architectural beauty of one of the leading icon of the city of Karachi being Frere Hall and Garden that was created in the year 1865, which was originally called "Queens Garden" and had access from three sides, as seen from page 65. Counsel states that while some of the iconic elements i.e. [1] Band-Stand (1870), [2] Drinking Fountain, [3] Queen Victoria Stature (Queen's Lawn) 1906, [4] King Edward VII's Stature (King's Lawn) 1916 and [5] World War-I Monument (1920), have been systematically removed from the Garden with utter disregard of the law

and the rules and the sanctity attached to these items, now there is a bigger problem of zealous interference by the defendant No.1.

Counsel contends that while it being a heritage site, maintained by the Provincial Government, however its boundary walls have been broken from various sides that needed urgent attention, however, the recent act of the Defendant to construct concrete gates on all the three roads is violation of the Rule 8(1) of the Sindh Cultural Heritage Property (Identification, Enlistment and Protection) Rules, 2017 introduced through Sindh Cultural Heritage (Preservation) Act, 1994. Counsel contends that when these tasteless structures were being built, the plaintiff alongwith some other residents of the city and member of the Civil Society approached the defendant Nos.2 and 3 to put an immediate halt on those activities, on which defendant No.3 wrote a letter to defendant No.5, who while pointing out the illegalities, required the defendants to immediately stop the intended work of the construction of the gates in front of the Frere Hall, as it was blocking visual view of the heritage site, but at the same time aimed to hinder access of the general public to the said site. Counsel contends that act is in continuation of the defendant No.1's attempt to privatize and gentrify the site, which is in existence for the last 160 years, cherished by everyone living within four corners of the city. Counsel has drawn Court's attention to page-83, where a number of individuals appeared and tried to stop the work, however, the defendant No.1 that is headed by Mr. Murtaza Wahab, Advisor to the Chief Minister, Sindh on Law and Administrator Karachi, seemingly lacks keenness to understand the sophisticated aspect of the city growth and its architectural beauties needed to be preserved over centuries, as the alleged construction in utter violation of the law as well is also offensive to the heritage, architectural value and social, library and meeting place for the people

from different walks of life, of which the first notice should have been taken by Mr. Wahab himself.

Mr. Muhammad Buksh, Office Associate, of Registrar Office is appointed to visit the site to ensure immediate demolition of the concrete structures recently erected on any/and all sides of the Frere Hall Garden in the presence of the plaintiff or her nominee/representative or counsel.

Notice to the defendants and Advocate General, Sindh for **27.06.2022**. Let a show cause notice be issued to Mr. Murtaza Wahab, who should be present in person alongwith his reply on the next date of hearing. In the meanwhile, his intrusion in any heritage buildings or site of the city of Karachi remains suspended till the next date of hearing.

JUDGE

B-K Soomro