ORDER SHEET

IN THE HIGH COURT OF SINDH, KARACHI

High Court Appeal No. 201 of 2022

(Karachi Metropolitan Corporation v Advisory Committee & Others)

Date

Order with signature of Judge

FRESH CASE.

- 1) For orders on CMA No. 1854/2022.
- 2) For orders on office objection reply "A".
- 3) For orders on CMA No. 1855/2022.
- 4) For hearing of main case.
- 5) For orders on CMA No. 1856/2022.

22.06.2022.

M/s. Umer Lakhani, Mujtaba Sohail Raja, Ashfaq Ahmed & Azra Muqeem, Advocate for Appellants.

Mr. Jibran Nasir, Advocate for Respondent.

- 1) Granted.
- 2) To be complied within two weeks.
- 3) Granted subject to all just exceptions.
- 4 & 5) Through this High Court Appeal, the Appellants have impugned order dated 20.06.2022 whereby, an ad-interim order has been passed on CMA No. 9756 of 2022 in Suit No. Nil of 2022 (Marvi Mazhar v Karachi Metropolitan Corporation and others) filed by Respondent No. 5. Learned Counsel for the Appellants submits that through impugned order the learned Single Judge has passed a mandatory inunction without notice for demolition of the concrete structure which was part of some beautification exercise being carried out by the Appellants, which per settled law could have only been done after due notice. According to him, an Arch was being raised by the Appellants which according to Appellant No.1 (KMC) is part of their beautification efforts; whereas, not only an order for demolition has been passed Ex-parte; but so also a Show Cause Notice has been issued to Appellant No. 2, with a further restraining order against him in *Rem*

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regarding all heritage sites / buildings in Karachi. He submits that no order

of the Court has been violated by Appellant No.2; hence, no occasion had

arisen to show cause the said Appellant. Learned Counsel submits that the

relief granted in the impugned order was never pleaded by Respondent

No.5 / Plaintiff in the plaint. Per learned Counsel now contempt proceedings

have been initiated; hence, urgency and this High Court Appeal.

Mr. Jibran Nasir Advocate has affected appearance on behalf of

Respondent No.5 and waives notice; claims copies of the memo of Appeal

and its Annexures which the Counsel for the Appellants undertakes to

supply during the course of the day.

Notice to remaining Respondents as well as Advocate General Sindh

for 15.07.2022. Till then, the Appellants shall maintain status quo in respect

of the construction being raised, whereas, no further demolition exercise

shall be carried out as directed in the impugned order. Insofar as order for

issuance of Show Cause Notice and a restraining / suspension order

against Appellant No. 2 in any heritage building or site is concerned, the

same shall also remain suspended till the next date.

JUDGE

JUDGE

<u>Arshad/</u>