

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
Suit No.2596 of 2017

DATE

ORDER WITH SIGNATURE OF JUDGE

1. For orders on CMA No.17438/17 (if granted)
2. For orders on CMA No.17439/17 ((U/O 39 Rule 1 & 2 CPC)

19.12.2017

Mr. Arshad Tayebaly, Advocate alongwith Ms. Nehl Chamdi, Advocate for Plaintiffs.

1. Granted.
2. This is a Suit for Declaration and Injunction, whereby, the Plaintiffs are aggrieved with the Public Notice available at Page-97 issued by the Master Plan Department of Defendant No.2. Learned Counsel for the Plaintiff submits that the Plaintiffs are residents of same vicinity, whereas, the impugned conversion of land is in respect of Plots just opposite their houses. Learned Counsel submits that under the garb of amalgamation, one of the plots at the back side bearing No.F8/1 has also been included in the newly amalgamated Plot No.F-7. Learned Counsel submits this is a residential area, whereas the amalgamation was also carried out for the purposes of residential use and not otherwise. He further submits that in the impugned notice at Page-97 it has not been stated as to what kind of high rise building is to be constructed or raised and only the converted square feet as (74002.5) is mentioned. Per leaned Counsel this is an intentional act to create ambiguity so that the people of the area cannot raise any objection. Learned Counsel further submits that admittedly the Honourable Supreme Court has put a ban on high rise construction on over and above ground plus two, whereas, apparently through

impugned notice it reflects that high rise construction is being raised as the total floor area is being increased from 13455 Sq. Ft to 74002.5 Sq. Ft, whereas, commercial shops, offices, showrooms and Banks are going to be constructed. Counsel submits that such orders are in the knowledge of defendants, but in defiance, impugned public notice has been issued. Learned Counsel further submits that in terms of Chapter 3-1.1.5 of the Karachi Building & Town Planning Regulations, 2002, a Public Notice of such nature is to be issued in the format as provided in Schedule "3C", which states that objections can be called within 30 days, however, for reasons best known to Defendant No.2 only 15 days' time has been provided in the Public Notice. Learned Counsel prays for Ad-interim orders.

Let notice be issued to the Defendants for 15.01.2018. Till the next date of hearing, the Defendants shall maintain status-quo.

J U D G E

Ayaz P.S.