

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C.P. No.D-5917 of 2020

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| Date | Order with signature of Judge |
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FRESH CASE

1. For order on Misc. No.25430/2020 (Urgent/App)
2. For order on office objection No.02.
3. For order on Misc. No.25431/2020 (Exemption/App)
4. For hearing of main case.

27.11.2020.

Mr. Qadir Hussain Khan, Advocate for the petitioner.

1. Urgency granted.

2-4. The instant petition has been filed on the ground that the mobile tower installed on the 5th floor of Plot No.290, Peero D Soza Road, Garden East, Karachi, may be removed from the said building. At the very outset, the counsel was asked that when the tower was installed, to which he replied that the said tower was installed some 13 years back. He further stated that the petitioner's mother is an old lady and the rays emitting from the tower are affecting her. The counsel was categorically asked that how this petition is maintainable as firstly the tower was installed some 13 years back and the petitioner now wants to challenge that installation. He was further asked that as per the contents of the petition it is apparent that the tower was installed with the consent and permission of the petitioner's mother by the owner of the building, to which he replied in affirmative but stated that no amount was paid by the owner to him or to his mother.

Be that as it may, it is noted that this petition is not maintainable on various grounds, as firstly the tower was installed some 13 years back; secondly no document has been attached to show that the petitioner's mother is suffering or had suffered due to the rays emitting from the said tower, and thirdly how can any amount of the monthly rent of the tower be given to the mother of the petitioner when admittedly she is not the owner of the building. Hence on the face of it this petition appears to be not maintainable and if the petitioner's mother has any claim over the building owner, she may adopt the legal procedure as available to her in accordance with law. This petition is found to be not maintainable and is, accordingly, dismissed in limine alongwith listed applications.

JUDGE

JUDGE