

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C.P. No.D-5512 of 2020

Date	Order with signature of Judge
------	-------------------------------

FRESH CASE

1. For order on Misc. No.23505/2020 (Urgent/App)
2. For order on Misc. No.23506/2020 (Exemption/App)
3. For order on Misc. No.23507/2020 (Stay/App)
4. For hearing of main case.

06.11.2020.

Mr. Raheel Ali Bhatti, Advocate for the petitioners.

1. Urgency granted.
- 2-4. Through the instant petition the ejectment notice issued by the respondent No.2 to the petitioners, which are available at page 339 and 341 of the file, have been challenged.

Briefly stated, the facts of the case are that the petitioners are having their shops in the building situated on Plot No.SD-27, Block M, North Nazimabad, Karachi.

Mr. Raheel Ali Bhatti Advocate has appeared on behalf of the petitioners and stated that it is the 3rd and 4th floor of the above building, which are in dilapidated and dangerous condition and not the shops under occupation of the petitioners, therefore, the notices of ejectment issued by the respondent No.2 may be declared as null and void. He further stated that 1st floor and the 2nd floor are occupied by certain persons, who are living there with their families and in case of demolition of the property not only the petitioners but the families living in the flats would also be seriously prejudiced.

The counsel has been heard and record has been perused.

The matter clearly reveals that the building situated on the said plot is dangerous, which way back in 2017 was declared by the respondent No.2 as such and due notice in this regard was also served upon the people residing and having

shops in the said building to vacate the premises, as the collapse of the building might cause heavy loss to the life and property to the persons occupying either shops or flats, as the case may be, in the said building. It has clearly been mentioned in the notice dated 29.09.2017, which is available at page 337 of the file, that the structure of the plot is in ruinous, dilapidated and dangerous condition, which is beyond repairs. In the said notice the occupants /owners /tenants of the said plot have categorically been warned to vacate the premises and in case of failure the authority would not be responsible for any loss of life or property. The current notices issued by the Sindh Building Control Authority are nothing but reminders to those occupants to vacate the premises. The photographs attached along with the instant petition, which are available from page 343 to 349, clearly depicts that the building is in dilapidated and dangerous condition and occupation of the same, either by the flat owners or the shopkeepers as the case may be, would be highly dangerous for their life and property. It is also brought to our notice that the utility services of the building have also been disconnected. In our opinion, it is for the good of the occupiers of the building, either shops or flats, to vacate the dangerous building in order to avoid any loss to their lives or to their properties. Moreover clause 7-7-1 of the Karachi Building and Town Planning Regulations, 2002, also clearly stipulates that the authority may require the owner or occupier of any building etc. for the public safety to evacuate the dangerous building. It may be clarified that we cannot comment with regard to condition and strength of the building and to record findings that it could be repaired or not and whether it is livable or not, as the record clearly stipulates that the respondent No.2 had already declared the building to be dangerous and beyond repairs. We, therefore, under the circumstances, do not find any justification to vacate the notices issued by the respondent No.2 in this behalf and dismiss the instant petition in limine along with the listed applications.

JUDGE

JUDGE