

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
C.P. No.D-3836 of 2023

Date

Order with signature of Judge

FRESH CASE:

1. For order on CMA No.17594/2023 (Exemption).
2. For order on CMA No.17595/2023 (Stay).
3. For hearing of main case.

Dated; 5th September 2023

Mr. Monawwer Ghani, Advocate for Petitioners.

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1. Exemption granted subject to all just exceptions.

2&3. Through instant Constitutional Petition, the petitioners, who claim to be the owners of Plot No.C-1 admeasuring 600 square yards situated at Block-12, KDA Scheme No.36, Gulistan-e-Johar, Karachi, which was originally a residential plot, however, it has been converted into commercial, have sought declaration to the effect that the petitioners are entitled to the allotment of adjoining plot on the extra land, which according to learned counsel for the petitioners, has been carved out in small plots. According to learned counsel for petitioners, the petitioners have the vested right and approached KDA authorities for its allotment in their favour, but the needful has not been done.

Before notice of instant petition could be issued, one Edris Mir S/o Mir Bacha has shown appearance, who submits that he is the owner of small Plots bearing No.(1) N-112-A (63 square yards), (2) N-111-A (66.11 square yards), (3) N-39-A (70.97 square yards) and (4) N-193-A (66.89 square yards) through registered sale deeds where he has erected boundary wall and installed gate, however, the petitioners have forcefully dispossessed him from his aforesaid plots and illegally occupied the same. However, he waives notice of instant petition, claims its copy alongwith annexures and requests for time to

engage a counsel and to file comments/reply. Learned counsel for the petitioner undertakes to supply copy of the same during course of the day. Let the comments/reply, if any, shall be filed before next date with advance copy to the learned counsel for petitioners.

Subject to maintainability of instant petition, let notice of instant petition may be issued to the respondents, to be served through first three modes, for **21.09.2023**, when comments/reply, if any, shall be filed with advance copy to the learned counsel for petitioners. In the meanwhile, the KDA authorities are directed to inspect the aforementioned subject area and to verify the submission of Edris Mir present in Court and submit report on the next date.

Learned counsel for the petitioners may file amended title by impleading Edris Mir S/o Mir Bacha, resident of House No.C-35, 1st Floor, Lane No.7, Bukhari Commercial, Phase-VI, D.H.A., Karachi as party in the instant proceeding. However, till next date of hearing, the parties are directed to maintain status quo in respect of the aforesaid subject plots.

J U D G E

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Farhan/PS
