

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
C.P. No.D-1809 of 2024

Date

Order with signature of Judge

FRESH CASE:

1. For order on office objection.
2. For order on CMA No.8134/2024.
3. For hearing of main case.

Dated; 8th May 2024

Mr. Ameet Kumar, Advocate for Petitioners.

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1. Learned counsel for the petitioners undertakes to comply with office objection before the next date of hearing.

2&3. Through instant Constitutional Petition, the petitioners, who claim to be occupants of various shops at Mohallah Marwari near Lyari General Hospital Lyari, which according to learned counsel for petitioners, are in peaceful possession of the petitioners with the permission of Karachi Metropolitan Corporation, after renovation work made by the petitioners, since 2005, whereas, the petitioners have been regularly paying an amount of Rs.2,000/- per month to the respondent No.1. However, according to learned counsel, petitioners are being harassed by the respondents No.2&3, who are Chairman and Councilor of UC-8, Lyari Town, District South, Karachi, who are asking for the illegal gratification to continue to hold possession of shops, failing which, petitioners have been threatened to be dispossessed illegally from their shops.

Per learned counsel, petitioners have approached respondent No.1 and the concerned police while intimating such facts, however, no action whatsoever has been taken.

On the last date of hearing, learned counsel for the petitioners requested for time to place on record any documents of title, tenancy or license in favour of the petitioners, if any, issued by the respondent No.1, however, nothing has been placed on record, whereas, learned counsel has submitted that petitioners, being illiterate poor persons carrying on their business of tailoring, are not in possession of any documents of title, tenancy or license agreement, however, they are

making payment of rent regularly to the respondent No.1 (KMC) and, therefore, they are in peaceful possession of their respective shops for the last several years without any objection by KMC. It has been requested that respondents may be restrained from illegally dispossessing the petitioners from their respective shops.

Prima facie, in the absence of any valid title rent agreement or license in respect of subject shops in favour of the petitioners, the relief being sought by the petitioners through instant petition cannot be entertained. However, in order to ascertain the factual position with regard to the status of the subject shops, which are reportedly in possession of the petitioners for the last several years, let pre-admission notice be issued to the respondents as well as to the Advocate-General, Sindh, to be served through first three modes, for **23.05.2024**, when comments/reply, if any, shall be filed with advance copy to the learned counsel for the petitioners. In the meanwhile, respondents are directed to conduct themselves strictly in accordance with law and if, petitioners are in lawful possession of subject shops, may not be illegally dispossessed till next date.

Mr. Saifullah, Asst. A.G. Sindh present in Court in some other cases, waives notice of instant petition, claims its copy and requests for time to seek instructions and to file comments/reply. Learned counsel for the petitioner undertakes to supply copy of the same during course of the day.

CHIEF JUSTICE

JUDGE

Farhan/PS
