

ORDER SHEET

IN THE HIGH COURT OF SINDH AT KARACHI

Constitution Petition No. **D – 7666** of 2022

Date	Order with signature of Judge
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Priority

For hearing of Main Case.

01.04.2024:

Petitioner present in person.

Mr. Khaleeq Ahmed, D. A. G.

Abdul Aleem Shaikh, Resident Engineer,
Quaid-e-Azam Mazar Management Board,
Karachi.

Learned DAG submits that the petitioner is an employee of PTCL, who is in habit to file constitutional petitions in the garb of public interest litigations.

We are of the opinion that a public servant or an employee of a corporation must give top priority to his work/duty instead of approaching this Court by filing frivolous petitions. Prima facie, instant petition has been filed without having no knowledge about Section 5 of the Quaid-i-Azam's Mazar (Protection and Maintenance) Ordinance, 1971, which authorizes the respondents to maintain the Mazar. It will be advantageous to reproduce Section 5, which reads as follows:-

“5. ---- (1) The Quaid-i-Azam's [and the Peripheral Area] shall , on and from such date as the [Federal Government may, by notification in the official Gazette, specify in this behalf, be maintained] and the affair relating thereto shall be managed by such person, or body or authority as may be specified in the notification, in accordance with such general or Special instructions as the [Federal Government] may issue from time to time.

(2) All expenditures on the maintenance of the Quaid-i-Azam's Mazar shall be met from out of the Quaid-i-Azam's Mazar Fund which shall consist of--

(a) The balance in the Quaid-i-Azam's Memorial Fund in existence immediately before the commencement of this Ordinance which shall upon such commencement be transferred to that fund.

(b) such donations or grants as the [Federal Government] may make to it from time to time.

(c) such contributions or donations as may be made to it by any person.

(d) any income derived from any property belonging to, or forming part of, the Quaid-i-Azam's Mazar or from any investment of moneys in the Fund, and

(e) any income, profit or gain realized, accrued or derived from the Peripheral Area and any property thereon vesting in the Federal Government”.

The other provisions of the Ordinance also reflect that since it is the responsibility to maintain the Mazar and also to ensure the law and order situation and regulate the entry of the visitors, therefore, prima facie, respondents have the authority to charge reasonable entry fee as well as the parking fee, however, the same shall be in accordance with the provisions of the aforesaid Ordinance and decision taken by the Quaid-i-Azam's Mazar Management Board and such income/expenditure is subject to annual audit in the instant case.

Accordingly, we do not find any substance in the instant petition, which is dismissed.

However, petitioner is put to caution to be careful in future by filing such type of petition(s), otherwise the same shall be dismissed with heavy costs.

CHIEF JUSTICE

JUDGE

A.S.