

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
C.P. No.D-6149 of 2022

Order with signature of Judge

*Before : Aqeel Ahmed Abbasi J.
Mahmood A. Khan J.*

1. *For hearing of CMA No.594 of 2023*
2. *For hearing of CMA No.26801 of 2022*
3. *For hearing of main case*

06.02.2023

Shaikh Jawed Mir, Advocate along with M. Shaharyar Ibrahim Soho, Advocate and Mr. Sameer Ehtasham, Advocate for the petitioner.
Mr. Solat Rizvi, Assistant Advocate General Sindh.
Mr. K. Jahangeer, Advocate has filed Vakalatnama on behalf of respondent No.3.
Mr. Dur Mohammad Shah, Advocate has filed Vakalatnama on behalf of respondent No.4.
Mr. Abrar Ghumro, Advocate for respondents.
Mr. Hassan Abidi, Advocate for KMC.

ORDER

Through instant petition the petitioner, who is resident of House No.FT-3, A-Rose Street, Frere Town Quarters, Karachi, has expressed her grievance against illegal and unauthorized closure, occupation and conversion of public road/thoroughfare i.e. Rose Street, Frere Town Quarters, Karachi, which according to petitioner's counsel, connects with main Jahanghir Kothari Road, for the purpose of construction of a Park. Learned counsel for the petitioner submits that layout plan of the area has been annexed along with instant petition to support his contention to the effect that as per layout plan, the subject road is a declared road/street and cannot be used for any other purpose. Notices of instant petition were issued to respondents pursuant to which Mr. K Jahangeer, Advocate and Mr. Dur Mohammad Shah, Advocate have shown appearance and filed their Vakalatnamas on behalf of respondents 3 and 4 respectively, whereas comments have also been filed on behalf of KMC according to which as per layout plan, the subject road/street is a declared road/street i.e. Rose Street, Frere Town Quarters, therefore, cannot be used for any other purpose. Learned counsel for respondents 3 and 4 claim copy of instant petition along with annexures and request for time to file reply, however, under instructions submit that respondents 3 and 4 do not

intend to illegally occupy or convert the aforesaid road into a public park and only wanted to beautify the area by developing the same through plantation for the residents of the area. In view of such candid statement on behalf of respondents 3 and 4 and also the comments filed on behalf of the KMC, wherein the status of subject road/street has been duly established, counsel for the petitioner submits that the petitioner will be satisfied if instant petition may be disposed off while directing the respondents to restore the public road/street to its original position by removing all the encroachments and allow the free access to the residents and the public at large so that they may ply their vehicles on such road without any hindrance.

Accordingly, by consent, instant petition stands disposed off with directions to the respondents to immediately restore the Rose Street, Frere Town Quarters, Karachi as per original layout plan and remove all the encroachment including the boundary wall erected thereon to ensure that there shall be no hindrance to use the said road/street for the purposes of plying vehicles and to have access to main Jehangir Kothri Road and the road/street shall not be allowed to be used for any other purpose. It will, however, may not prevent the subject road/street through plantation etc. according to layout plan and requisite permissions to the satisfaction of the residents of the area. Compliance report shall be submitted through the MIT along with photographs within four (4) weeks by the KMC, whereas they may seek assistance of the anti encroachment department and law enforcement department in case of any hindrance from any quarters to make sure compliance of Court's order.

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