

ORDER SHEET  
IN THE HIGH COURT OF SINDH AT KARACHI  
C.P. No.D-7400 of 2022

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Order with signature of Judge

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

1. *For hearing of CMA No.31667 of 2022*
2. *For hearing of main case*

06.02.2023

Mr. Khilji Bilal, Advocate for the petitioner.  
Mr. Solat Rizvi, Assistant Advocate General Sindh.  
Mr. Hassan Abidi, Advocate for KMC.

**ORDER**

AQEEL AHMED ABBASI J. Through instant petition, the petitioner has impugned eviction letter dated 02.09.2022 issued by Senior Director Medical and Health Services, Karachi Metropolitan Corporation whereby, according to the learned counsel for the petitioner, the petitioner has been directed to evict the subject site while referring to the order passed by this Court in C.P. No.D-1557 of 2015, which according to the learned counsel for the petitioner, was assailed by the petitioner before the Honorable Supreme Court by CPLA No.2557 of 2016 wherein vide order dated 13<sup>th</sup> November, 2016 the Honorable Supreme Court while passing an order on CMA No.1068-K and 1069-K of 2016 has been pleased to suspend the operation of the order passed by Divisional Bench of this Court, therefore, according to the learned counsel for the petitioner, issuance of impugned letter during pendency of the appeal before the Honorable Supreme Court and in view of the order of suspension passed by the Honorable Supreme Court, is illegal and unwarranted.

Notice of instant petition were issued, pursuant to which counter affidavit has been filed on behalf of KMC wherein the aforesaid facts have not been denied. Learned counsel for KMC when confronted as to how the impugned notice is issued during pendency of the appeal before the

Honorable Supreme Court more particularly in violation of the suspension orders passed by the Honorable Supreme Court, has candidly stated that no adverse action will be taken against the petitioner during pendency of the appeal before the Honorable Supreme Court. In view of such candid statement, learned counsel for the petitioner is satisfied and submits that instant petition may be disposed of. Accordingly, by consent instant petition is disposed of with directions to the respondents not to take any action against the petitioner pursuant to impugned notice till final order of the Honorable Supreme Court in CPLA No.2557 of 2016.

J U D G E

J U D G E

*Farooq ps/\**