

IN THE HIGH COURT OF SINDH AT KARACHI
CP. No. D-858 of 2025
(*Abdul Rauf Jetelsrwala & others v Province of Sindh & others*)

Date Order with signature of Judge

Before:
Mr. Justice Muhammad Karim Khan Agha
Mr. Justice Adnan-ul_Karim Memon

Date of hearing and Order: 27.03.2025

Mr. Taimur Ali Mirza advocate for the petitioners

The Petitioners, property owners in Clifton, Karachi, are seeking the court's intervention to enforce Supreme Court orders regarding the relocation of oil tankers to the Zulfikarabad Oil Terminal (ZOT). The Petitioners own properties in Block 1, Clifton, and are severely impacted by the continued parking of oil tankers in their residential area, despite Supreme Court directives issued since 2007. The Supreme Court has repeatedly ordered the oil tankers to move to ZOT, with specific deadlines, to alleviate congestion and safety hazards in residential areas. These orders have been consistently disregarded. The Petitioners' counsel argue that the respondents, including government officials and the Oil Tankers Association, have failed to comply with these orders, violating their fundamental rights to peaceful living and property enjoyment. They request this court to direct the respondents to implement the Supreme Court's orders to remove oil tankers from Karachi's residential areas and ensure ZOT's full functionality. Restrain the Respondents from further violating these Supreme Court orders.

2. The Petitioners' counsel assert that petitioners have no other adequate remedy and rely on the court's constitutional jurisdiction to enforce the Supreme Court's directives under Article 187(2) of the constitution and protect their rights.

3. We have heard the learned counsel for the petitioners on the maintainability of the petition and perused the record with his assistance.

4. Article 187(2) of the Constitution, which pertains to the enforcement of Supreme Court orders, is supplementary to Article 184, concerning the Supreme Court's original jurisdiction in terms of precedent set in *Dossani Travels Pvt. Ltd & others vs. Messrs Travels Shop (Pvt) Ltd & others* (PLD 2014 SC 01), as such DIG Police and SSP South to take of the orders of the Supreme Court, as disclosed in the memo of petition, forthwith.

5. Judgments of the Supreme Court of Pakistan are binding on all other courts, including High Courts, to the extent that they decide a question of law or enunciate a principle of law. All executive and judicial authorities throughout Pakistan are obligated to act in aid of the Supreme

Court, ensuring the enforcement of its judgments. As the Supreme Court is the final arbitrator of all cases where the decision has been reached, the decision of the Supreme Court needs to be taken care of as directed in terms of Article 187(2) of the Constitution.

6. The petitioner's counsel requested this Court to enforce the Supreme Court of Pakistan's directives. However, given that the Supreme Court is presently in session in Karachi, this Court suggested that the petitioner file a contempt application before the Supreme Court for non-compliance with its orders. Therefore, this petition and all related applications are disposed of.

JUDGE

HEAD OF CONST. BENCHES