

IN THE HIGH COURT OF SINDH AT KARACHI

C.P. NO.D-1854/2006

**PRESENT: MR. JUSTICE NADEEM AKHTAR, &
MR. JUSTICE MUHAMMAD IQBAL KALHORO**

Petitioner : Muhammad Asif Sakaria,
through Mr. Zafar Alam Khan, advocate.

Respondents : The Province of Sindh & another,
through Mr. Meeran Shah, A.A.G.
Ms. Afsheen Aman, advocate for SBCA.

Date of hearing : 06.02.2015.

ORDER

MUHAMMAD IQBAL KALHORO, J: The petitioner has sought the following relief through the instant petition:-

“That since the building standing on plots of land No.82, Survey Sheet No.S.B-1, Shahrah-e-Iraq, Saddar Bazar Quarters, Karachi, is dangerous and ruinous and has been so declared by the respondent No.2 and it has partially collapsed and fallen down and the remaining portions thereof are hanging dangerously and there is danger to the life and property of the citizens in general and the neighbours in particular, the respondent No.1 may be directed to de-list the same from heritage list and the building demolished forthwith by the respondent No.2 and on failure of the respondents to do the needful allow the petitioner to demolish the same and/or pass any other or further order, which this Honourable Court deems fit and proper under the circumstances of the case and allow cost of petition thereof.

2. After hearing the learned counsel for the parties at some length and going through the material available on record, we dispose of this petition by imparting the matter to the Advisory Committee stipulated under section 3 of the Sindh Cultural Heritage (Preservation) Act, 1994 on following terms :-

- I. The Advisory Committee shall seek advice in respect of current structural strength of the building/Captain House by

referring the matter to the Technical Sub-Committee, or as the case may be, which shall re-examine/re-survey it immediately.

II. The Technical Sub-Committee or as the case may be, shall evaluate and determine the possibilities of restoring the building/Captain House to its original position as it existed as and when the building was declared protected heritage in terms of the Sindh Cultural Heritage (Preservation) Act 1994, vide notification dated 7th September 1995.

III. The Technical Sub-Committee or as the case may be, shall also determine the strength and viability of existing structure of the building to sustain any future repair work to be carried out for restoring its original position.

IV. The Technical Sub-Committee or as the case may be, shall be at liberty to attend to any other circumstances or references while examining the building for making a comprehensive and a detailed report to achieve the above objects.

V. The Technical Sub-Committee or as the case may be, shall also determine as to whether the damage to the building / Captain House was done deliberately or not as has been mentioned by the respondents in their Para-wise comments.

3. The Advisory Committee shall, in the light of such report decide either to delist the subject building or not from the list of protected heritage in accordance with law after affording opportunity of hearing to the petitioner. The whole exercise shall be completed expeditiously, preferably within two (02) months of receipt of this order. The above petition stands disposed of in above terms with no orders as to cost.

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