

ORDER SHEET
HIGH COURT OF SINDH AT KARACHI
C.P.No.D-7173 of 2016

DATE

ORDER WITH SIGNATURE(S) OF JUDGE(S)

Fresh Case

- 1.For orders on Office Objection No.4.
- 2.For orders on Misc. No.34189/2016.
- 3.For orders on Misc. No.34190/2016.
- 4.For hearing of Main Case.

31-12-2016

Ms. Tabassum Hashmat, Advocate for Petitioner.

1. Office objection overruled.
2. Exemption granted.

3&4. This petition was fixed yesterday i.e. 30.12.2016 according to roster but the senior Member of the Bench recused to hear this petition for some personal reasons. Today the hon'ble Chief Justice is not in town, therefore, the roster has fixed this matter before this bench. This petition has been filed on 30.12.2016 with the prayer that the respondents be directed not to arrange any program or any event on 25th and 31st December at Port Grand, KPT. The petitioner has referred to a Notification dated 23.12.2016 which is available at page 15 as annexure "A". This Notification has been issued by the Home Secretary, Home Department, Government of Sindh in exercise of power conferred under Section 144 Cr.P.C. for imposing the complete ban on swimming/bathing at the beaches/sea side within the territorial limits of Karachi Division on the eve of Christmas from 24th to 25th December and new year night from 31st of December till the morning of 1st January, 2017 within the Karachi Division. The purpose of filing this petition is to restrain the respondent Nos.2 and 3 from holding any program or event today at the Port Land, KPT

but the petitioner has not given any details of any such event or program in the petition nor any brochure or invitation/ticket has been produced, however, she has verbally informed that some musical program/gathering has been arranged where any mishap may occur due to lack of proper security measures. The petition has been filed at eleventh hours and today it has been placed before us at 1:00 noon when no notice could have been issued to the respondents, D.A.G. and A.A.G. for any other date as the matter is confined to the alleged event being arranged today. So far as the implementation of the Notification is concerned, it is only confined to the swimming/bathing at the beaches/sea side and nothing has been mentioned in this Notification for Port Grand nor it prohibits the arrangement of any musical program/gathering. With regard to the security measures, it is the responsibility of Port Grand's management/ respondent No.3 as well as the local administration to provide necessary and foolproof security so that any untoward incident may not occur. At this stage no purpose would be served to issue notice to the respondents, therefore, this petition is disposed with the directions in the larger public interest to the respondent Nos.3 to 7 to arrange and provide foolproof security if any program or event is being arranged or organized today at Port Grand, KPT. Office is directed to transmit the copy of this order immediately to the respondent Nos. 2 to 7 through facsimile.

Judge

Judge

Asif