

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
Suit No. 1647 of 2018

Order with signature of Judge(s)

1. For orders on CMA No.11850/2018 (U/A)
2. For orders on CMA No.11851/2018 (U/O XXXIX Rule 1 & 2)

27.08.2018

Mr. Ovais Ali Shah, Advocate for the plaintiffs

1. Urgency granted.
2. Learned counsel for the plaintiffs submits that the plaintiffs are duly admitted students of Scepter College (Pvt.) Limited, which is operating at Plot No.F-8, Block-9, Clifton, Karachi. Counsel states that the Defendant No.2 on behest of the Defendant No.4 who had already filed a suit in this Court bearing Suit No.1637 of 2018 is using coercive means to restrain the plaintiffs (students) to enter into the school building to the extent that a police mobile has been posted outside the gate to achieve this end. Per counsel, while interim relief has already been provided to the plaintiffs in the abovementioned suit, where the Court has for the time being restrained the defendants from converting the suit property into non-residential use, this could not mean that the students who are duly enrolled in the said school be restrained from entering into the school building and restricted from attending classes. Learned counsel draws Court's attention to the order dated 26.06.2018 passed in Human Rights Case No.17842 of 2018, where Cantonment Boards are given 3 years (effective from 1st January, 2019) by the apex Court to gradually remove/shift private schools from residential areas within the Cantonment limits. Per counsel, any dispute between the school and the regulatory authority i.e. Clifton Cantonment Board, which is already *subjudice* should not affect students' academic activities as irreparable loss would be caused to the students, if they are not permitted to attend classes. Per counsel, the apex Court has clearly given a period of 3 years for Cantonment Boards to remove/shift schools operating in the residential areas, which should be adhered to.

Issue notice to the defendants for 13.09.2018, however till that date, the Defendant No.2 is directed to ensure that no impediment be caused in the students' access to the college building operating at the above address and no harassment be caused to them which may deter their academic activities.

JUDGE