

**ORDER SHEET**  
**HIGH COURT OF SINDH, KARACHI**

---

C.P. No.D-1488 of 2021

Date	Order with signature of Judge
------	-------------------------------

**Present**

**Mr. Justice Muhammad Ali Mazhar.**

**Mr. Justice Amjad Ali Sahito.**

Makar Payo.....Petitioner

Versus

Province of Sindh & others.....Respondents

**Date of hearing 04.03.2021**

Mr. Raham Ali Rind, Advocate for the Petitioner.

Mr. Shehriyar Mehar, Assistant Advocate General.

M. Ismail Memon, Deputy Commissioner, Sujawal and

M.Imran, Assistant Commissioner, Jati are present.

Inspector Allah Bux, SHO P.S. Jati is present.

\*\*\*\*\*

**Muhammad Ali Mazhar, J:** Learned counsel for the petitioner argued that petitioner is Mutawali of the ancient shrine, Hazrat Mughalbeen Badshah (R.A.) where the ritual festivals are arranged annually for last many decades. In the same sequence, the Maila is to be organized on 11.03.2021 and despite approaching the Deputy Commissioner, Sujawal, the permission/N.O.C. was not granted, therefore, petitioner has approached this court for the directions.

2. Today, Deputy Commissioner, Sujawal, Assistant Commissioner, Jati and Mukhtiarkar Jati have submitted a joint reply. The Assistant Commissioner, Jati has attached some annexure with the reply. Copy has been supplied to the petitioner's counsel. In the reply it is categorically stated that there is an agreement between Town Committee and Gaddi Nasheen of the shrine that the license fee of the stalls in the Maila shall be collected by the Town Committee and the same will be consumed for the development, renovation and beautification of shrine. When we confronted annexures "C" &

“D” of the reply to the learned counsel for the petitioner, he could not deny the same and he admits that such type of arrangement was made in the year 2014. The Assistant Commissioner reiterates that there is no objection to issue NOC for Maila but there is only a disagreement that petitioner will not collect the fee by their own rather than implement the agreement 2014 which is in fact the bone of contention between the parties.

3. After arguing at some length, the petitioner’s counsel and the Officers present in court as well as learned AAG agreed to the modalities for the disposal of this petition in the following terms :-

- i. The Deputy Commissioner (Respondent No.4) shall immediately issue NOC for holding Maila as per schedule communicated by the petitioner to the Deputy Commissioner.
- ii. On issuance of NOC, the respondent No. 4 shall issue all necessary instructions to the Law Enforcement Agencies including respondent No. 3 & 7 to deploy proper police force at the location for the purpose of foolproof security during Maila.
- iii. The Deputy Commissioner and the petitioner will also ensure that Covid-19 SoPs issued by Government of Sindh shall be followed in a strict manner.
- iv. The Assistant Commissioner Jati in order to resolve the controversy has also suggested that a committee may be constituted comprising Town Officer and Gaddi Nasheen of shrine Hazrat Mughalbeen Badshah to oversee the collection of the license fee of stalls and the same committee shall also ensure that entire amount collected from Maila shall be consumed on the renovation/development of shrine and proper account shall also be maintained which they will submit to the Assistant Commissioner Revenue and Deputy

Commissioner, Sujawal for their information and supervision.

- v. The Gaddi Nasheen and concerned Town Officer shall open a joint bank account where the entire collection of the Maila will be deposited and whenever the amount is required for the development and renovation of the shrine of Hazrat Mughalbeen Badshah they will withdraw the amount with joint signature and also make the account for the expenses incurred on the development.

JUDGE

JUDGE

Aadil Arab