

**ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI**

.....
Date

Order with signature of Judge(s)
.....

Present

Mr. Justice Muhammad Ali Mazhar.

Mr. Justice Agha Faisal.

Syed Muhammad Abbas
Hassan Abidi & others
(C.P. No.D-1715 of 2017)

Yasir Arfat & others
(C.P. No.D-1716 of 2017)

Mst Shagufta Baig
(C.P.No.D-1828 of 2017)

Mst.Farida
(C.P.No.D-1862 of 2017)

Muhammad Afzal
(C.P. No.D-1863 of 2017)

Saifuddin Noorani & others
(C.P. No.D-1963 of 2017)

Muhammad Amin & others
(C.P.No.D-1988 of 2017)

Mrs.Nargis & others
(C.P.No.D-1989 of 2017)

Rashid Khan & others
(C.P.No.D-1990 of 2017)

Mrs.Jamila & others
(C.P.No.D-3462 of 2017)

Muhammad Tashfeen Baig & another
(C.P.No.D-3463 of 2017) Petitioners

Versus

The Province of Sindh & others Respondents

Date of hearing: 15-10-2019

Mr. Muhammad Adeel, Advocate for the Petitioners.
 M/s.Sarfaraz Sulehry, Salman Hamid and Abdur Razzaq,
 Advocates for K.P.T.
 Mr.Jawad Dero, A.A.G.
 Mr.Hussain Bohra, Assistant Attorney General.
 Mr.Anwar Ali Shah, Advocate for S.B.C.A.

Muhammad Ali Mazhar, J: The learned counsel for the petitioners pointed out that we have already disposed of identical petitions earlier vide order dated 28.08.2019 in C.P.No.D-1726/2017 and other connected petitions. He requests for the same order in these petitions. Our earlier order was precisely based on the judgment and decree dated 08.02.2019 rendered in Suit No.735/2001 (KPT Officers Cooperative Housing Society Ltd. vs. Government of Sindh & others).

2. The learned counsel for the SBCA argued that the land was granted to KPT for extension of port, but this land was allocated to the KPT Officers Cooperative Housing Society Limited. This particular aspect has already been dealt with in the judgment and decree passed in Suit No. 735/2001 against which the Government of Sindh has already preferred High Court Appeal, which is pending in this court. Apparently, there is no pending litigation between SBCA and KPT with regard to title of land or its use nor their learned counsel informed us but the Government of Sindh claimed the ownership of land allotted by KPT to KPT Officers Society which issue has already been addressed in aforesaid suit. At present there is no issue before us germane to the approval of any building plan by S.B.C.A or its denial based on the above contention. However if any proposed building plan is presented for approval to S.B.C.A. they may act in accordance with law.

3. All the petitioners are claiming ownership in relation to their

separate plots leased out to them by Karachi Port Trust Officers Housing Society Limited. Learned counsel for the petitioners argued that these constitution petitions were filed during pendency of ***Suit No.735 of 2001 (Karachi Port Trust Officers Housing Society Limited versus Government of Sindh & Others)*** at original side of this court. However, vide judgment dated 08.02.2019, the suit has been decreed. Paragraph 27 of the judgment is reproduced as under:-

“27. So far as the Issue No.5 is concerned, sanguine to the set of circumstances and ramification as well as connotation of Section 27 read with Schedule-A of KPT Act 1886, the plaintiff is entitled to the decree for permanent injunction. Consequently, the defendant No.1 to 4 shall not take any adverse action in pursuance of impugned letter dated 21.4.2001 against the plaintiff and they shall also not cause any interference or hindrance to the land in possession of plaintiff and its members. The suit is decreed in the above terms. The parties will bear their own cost. The pending applications are also disposed of accordingly.”

4. The learned counsel further argued that after decision in the above suit, the main issue has been settled though the Government of Sindh has preferred High Court Appeal against the judgment and decree but the operation of above judgment is intact and no restraining orders in field. The grievance of the petitioners is that during pendency of above suit, the concerned Registrar denied registration of documents including sale deed and gift deed etc. It was further averred by the learned counsel that the aforesaid petitions may be disposed of with some directions to the concerned Registrar to entertain documents for registration as there is no hindrance at the moment.

5. The learned AAG confirmed that though against the aforesaid judgment and decree, Government of Sindh has filed HCA. No.144/2019 but no stay or any restraining order has been

passed in the said appeal. The learned counsel for the Karachi Port Trust endorsed their no objection to the proposal put forward by the learned counsel for the petitioners for the disposal of present petitions in terms of the order dated 28.08.2019 passed in C.P.No.D-1726/2017 and other connected petitions.

6. In view of the above, these petitions are disposed of with the directions to the concerned Registrar to examine each document separately whenever presented by the petitioners for registration with regard to the their property situated at Karachi Port Trust Officers Housing Society Limited and register the documents in accordance with the provisions of Registration Act 1908.

Judge

Judge