

Order Sheet
IN THE HIGH COURT OF SINDH,
CIRCUIT COURT, HYDERABAD

CP No. D- 580 of 2013

DATE	ORDER WITH SIGNATURE OF JUDGE
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21.10.2021

For hearing of MA 9913/17

Mr. Irfan Ahmed Qureshi, Advocate for Petitioner
Mrs. Razia Ali Zaman, Advocate for applicant / intervenor
Mr. Muhammad Arshad S. Pathan, Advocate
Mr. Irfan Ahmed Bughio, Advocate for H.D.A.
Mr. Ayaz Ali Rajpar, Asstt: A.G.

The present petition has been filed against illegal conversion of land used from residential to educational purpose of plot No.28/A, GOR Colony, Unit No.1, Latifabad Hyderabad by admeasuring 1000 sq.yds by the Planning & Development Control, H.D.A. Hyderabad as reflects from the letter dated 30.12.2013 issued by Deputy Director, Planning & Development Control, H.D.A. Hyderabad. Per learned counsel representing respondent H.D.A. that compliance has been made and has referred the order dated 30.11.2020 passed by the competent authority whereby the request of the petitioner was rejected. An excerpt of the order is reproduced herein-below:-

“That in view of the Karachi Building & Town Planning Regulations, 2002 and subsequent amendments, the competent authority has decided that the permission vide No.HDA/P&DC/MP/PHS/4007/2013, dated 30.12.2013 to utilize Plot No.A/28 GOR, Unit No.1 Latifabad, Hyderabad for education purpose (Amenity) cannot be permitted and the request is hereby rejected.

Learned counsel insists that this compliance has not been in its letter and spirit, therefore, contempt proceedings may be initiated against the alleged contemnors in accordance with law and they be punished accordingly.

We have noticed that this court simply directed the petitioners as well as respondents 7 to 9 to appear before respondent No.10 for just decision on the issue of conversion of plot to educational purpose, after hearing all the concerned and completing the requisite formalities.

Prima facie the order has been complied with by the alleged contemnors and they have taken the decision on 30.11.2020 whereby

request of the petitioner was rejected on the premise that plot in question could not be permitted to be used for educational purpose.

The question has been answered vide letter dated 30.11.2020 and if the petitioner is aggrieved by and dis-satisfied with the aforesaid decision he may avail the remedy before the competent forum in accordance with law.

Application stands disposed of accordingly.

JUDGE

JUDGE

karar_hussain/PS*