

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

**Suit No. 952 of 2022**

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Order with signature of Judge(s)

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1. For hearing of CMA No.9886/2022 (Contempt Application)
2. For hearing of CMA No.9756/2022 (U/O XXXIX Rules 1 & 2)

**29.06.2022**

M/s. Zaheer Hussain and Muhammad Jibran Nasir, Advocates for the plaintiff

Mr. M. Jaffer Raza, Advocate alongwith alleged contemnor No.1 Junaidullah Khan, D.G Parks & Horticulture

Alleged contemnor No.2 Bashir Siddiqui, Sr. Director Anti-Encroachment, Anti-Encroachment Department is present

Mr. Muhammad Umer, Advocate alongwith alleged contemnor

No.3 Ms. Azra Muqeem, Law Officer, KMC

Mr. Asad Iftikhar, AAG  
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Mr. M. Jaffer Raza, Advocate has shown appearance and has filed Vakalatnama on behalf of the defendant/alleged contemnor No.1, which is taken on record. He states that he has superseded Mr. Muhammad Mohsin Khan. He states that due process as envisaged by the Contempt of Court Ordinance, 2003 be followed if the Court choses to initiate such proceedings.

This Court on the last date of hearing, heard the matter at length and only chose to adjourn the matter on the request made by the alleged contemnors namely Mr. Junaidullah Khan, D.G Parks & Horticulture and Mr. Bashir Siddiqui, Sr. Director Anti-Encroachment, Anti-Encroachment Department, as well as, by Ms. Azra Muqeem, Law Officer, KMC that they would seek further instructions and proceed to demolish the concrete gates after seeking approval from the concerned authorities by making appropriate applications in this regard. However, Court has been informed that no such initiative has been taken. This Court has already penned down that the concrete structures were *inter alia* erected in violation of Rule 8(1) of the Sindh Cultural Heritage

Property (Identification, Enlistment and Protection) Rules, 2017, which fact is affirmed from the letter issued to the alleged contemnor No.1, D.G Parks & Horticulture by the Deputy Director (Heritage), Directorate General of Antiquities & Archaeology, Culture, Tourism, Antiquities & Archives Department, Government of Sindh on 17.06.2022.

It seems that the notice of the instant contempt application was already issued to the alleged contemnors vide order dated 22.06.2022 and response of Mr. Junaidullah Khan is on the file.

In the given circumstances, office is directed to initiate contempt proceedings by issuing Show Cause Notices to M/s. Junaidullah Khan, D.G Parks & Horticulture, Bashir Siddiqui, Sr. Director Anti-Encroachment, Anti-Encroachment Department and Ms. Azra Muqem, Law Officer, KMC, who despite having been communicated this Court's order dated 20.06.2022 through an officer of this Court namely Muhammad Buksh, failed to comply with the said order in the next two days.

Once the office has issued above show cause notices, let the mater be placed before the Honourable Chief Justice of this Court under Sub-Section (3) of Section 11 of the Contempt of Court Ordinance, 2003 for initiating contempt proceedings against Mr. Junaidullah Khan, D.G Parks & Horticulture and Mr. Bashir Siddiqui, Sr. Director Anti-Encroachment, Anti-Encroachment Department, as well as, by Ms. Azra Muqem, Law Officer, KMC in accordance with law for orders as his lordship may deem fit and proper.

JUDGE