

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

C.P. No.D-4357 of 2022

Date	Order with signature of Judge
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1. For hearing of C.M.A. No.18533/2022.
2. For hearing of main case.

26.07.2022

M/s. Zia-ul-Haq Makhdoom, Muhammad Ali Lakhani and Mujtaba Sohail Raja, Advocates for petitioners.
Mr. Ghulam Akbar Uqaili A.A.G.

Petitioner is a private limited company running an educational institution "Veritas Learning Centre" situated at 14, Old Clifton, Block-5, Karachi against which C.P. No.D-6301/2022 was filed by persons of the same locality aggrieved by its use of the premises for educational purposes. Initially, in the said petition an interim order was passed restraining the petitioners/respondents to use the premises for the aforesaid purpose. Subsequently by consent, the order dated 13.06.2022 was passed in the following terms:-

"Be that as it may, much has been argued from both the sides as far as use of the premises is concerned. Mr. Arshad is seriously opposing for such use which according to him is even otherwise not permitted under the Regulations. He however submits/proposes, only as an interim measure, that any further admissions of students and/or running/operation of school on regular basis, even for the toddlers etc., w.e.f. August, 2022, be restricted and prohibited and a prior permission is inevitable and without which the school may not operate and function. He further agrees that till 30.06.2022 "only" and not beyond that date the summer camp may continue and that too only for four days' a week i.e. from Monday to Thursday for two hours and only those students/kids shall be permitted entrance to the premises who have already tendered/deposited their fee in the bank accounts of the respondents No.7/8 when ad-interim order on 09.06.2022 was passed, which number in any case shall not exceed 150 kids approximately. Both M/s. Zia Makhdoom and Ali Lakhani have agreed to it. Order accordingly.

The counsels have agreed to above and very gracefully accommodated urgent issues. Since above condition/arrangement shall continue up till 30.06.2022, the matter be fixed on 30.06.2022 when it is already fixed as a date by Court when pending applications shall be heard and decided on the basis of material available on record and assistance of the counsels. In the meantime notices be repeated to remaining respondents, including Sindh Building

Control Authority, and counter-affidavits and rejoinders to the listed applications, if any be exchanged.

With the above understanding by consent earlier interim order stands modified as above and continue till next date of hearing”.

In compliance of the same order, petitioners have moved an application dated 14.06.2022 before the Director, Master Plan, Government of Sindh, K.D.A/ respondent No.2 which has not decided it yet, although the same, keeping in view the education year of the 150 kids at stake, requires an urgent attention.

By means of this petition, the petitioners seek directions to the said authority to decide the said application urgently to save the future of the kids viz-a-viz education. On the last date of hearing viz. 19.07.2022 when this petition was fixed for the first time, the notices were accordingly issued which as per bailiff report have been served, yet no one is present except AAG. Since the petitioners have come down to only seeking directions to the respondents particularly Respondent No.2 to decide their application within a reasonable time, however, before the start of next academic year i.e. August, 2022, we see no impediment legal or otherwise in giving such directions as we agree with the contention of the petitioners that this application requires urgent decision, keeping in view the risk to the academic year of 150 kids admitted with the petitioners for education purpose. Accordingly respondent No.2 is directed to decide the application within this week on or before 30.07.2022 and communicate his order to the petitioner.

Accordingly this petition is disposed of.

JUDGE

JUDGE

Muhammad Arif