

ORDER SHEET

THE HIGH COURT OF SINDH, AT KARACHI

C.P. No.D-3366 of 2019

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

Disposed off matter.
For hearing of CMA No.15215/2020 (Contempt Appln.)

25.08.2020

Mr. Mehfooz Yar Khan, Advocate for the Petitioner.

Mr. Abdul Jaleel Zubedi, Assistant Advocate General, Sindh.
Chaudhry Arif, Advocate for KMC.

Mr. Muhammad Safdar, Advocate for Respondent No.5/DMC South along with Akhtar Ali Shaikh, Municipal Committee South and Ahmer Siddiqui, Deputy Director Park, DMC South.

This petition pertains to park Plot No.ST-15, adjacent to Plot No.F-58, Block-7, Clifton, Karachi. At one point of time, the possession of this park was given to the petitioner, residing on the aforesaid plot, however, we have not been able to understand as to how the authority handed over this public park to the petitioner for his personal use and privilege or even for sake of maintenance. Be that as it may, in terms of orders, possession of park was taken over and encroachment was removed. The only objection now is whether the entrance of plot from rear portion where another building is situated, could be made by carving out a gate. There is actually an extended wall between the rear portion where building is erected and the park itself which is around 12 to 15 feet deep. The wall provides for safety of passerby as well. However, we do not find any sanction or approval of ingress and egress through a carved out portion from wall for the occupants of building. When confronted, the official respondents submit that the predecessors have done this for convenience of occupants of building and they shall reconsider it if it could be permitted under the law.

In view of above, we deem it appropriate to refer the matter to the District Municipal Commissioner to look into it and in case, it lack authority, immediate steps be taken to meet the requirement of law.

Accordingly, the listed application of contempt is dismissed.

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