

**IN THE HIGH COURT OF SINDH, AT KARACHI**

**Present:**

Ahmed Ali M. Shaikh, CJ  
and Yousuf Ali Sayeed, J

**C. P. No. D-372 of 2023**

Shaikh Osama Rafi.....Petitioner

Versus

Govt. of Sindh & others.....Respondents

**C. P. No. D-1391 of 2023**

Muhammad Nasir Khan and others.....Petitioners

Versus

Govt. of Sindh & others.....Respondents

05.4.2023

Mr. Abid Qureshi, Advocate for petitioner in CP No.D-372 of 2023.

Mr. S. Amir Ali, Advocate for Petitioner in CP No.D-1391 of 2023 and for intervenors in CP No.D-372 of 2023.

Mr. Jawad Dero, Additional AG, Sindh.

**ORDER**

The grievance of the Petitioner in CP No.D-372 of 2023 is that the Respondents No.4 to 7 have malafidely issued a circular regarding announcement of nominations and election for office block only without approval and consultation of other committee members, including Petitioner the President of Mateen Shopping Galaxy Association (the “**Association**”), disallowing the shop owners to participate in the election. It is further averred that the Association has been registered for all units of the building which includes shops and offices. Accordingly, the Petitioner seeks a restraining order against the private Respondents in relation to the creation of a separate association either for offices or shop owners and direction them to conduct elections under the auspices of the Respondent No.3 while including all shop owners, office block, etc. On the other hand, in CP No.D-1391 of 2023, the Petitioners, also intervenors in the first Petition, further seek removal of alleged encroachments made in the Mateen Shopping Galaxy in violation of the approved plan and exclusion of the owners/occupiers of such premises from the electoral process.

We have heard the learned counsel for the parties, including the learned Additional AG and with their able assistance perused the material available on record. Since main grievance of the Petitioners in both Petitions revolves around conduct of elections of the Association, with the removal of alleged encroachments raised in violation of the approved plan and Rules of the Sindh Building Control Authority being incidental in that regard, as such, we dispose of these petition alongwith pending misc. applications by this single order, directing the Petitioners to approach the Respondent No.3 through an appropriate application/representation in writing in the matter of the elections as well as the Respondent No.5/Sindh Building Control Authority for removal of encroachments, if any, in the Mateen Shopping Galaxy. Once such applications are filed/received the concerned authorities shall do the needful strictly in accordance with law needless to say after affording opportunity of hearing to all concerned.

Chief Justice

Judge