

ORDER SHEET  
IN THE HIGH COURT OF SINDH AT KARACHI

**Suit No. 1968 of 2023  
& Suit No. 2019 of 2023**

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Date	Order with signature of Judge
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**30<sup>th</sup> April 2024**

**APPEARANCE.**

Mr. Abdul Ghaffar Kalwar, advocate for plaintiff.

Mr. Sohail Latif Memon advocate for intervener.

Mr. Rajesh Kumar Khagaija, advocate for intervener/Director Archeology Abdul Fatah Shaikh in Suit No. 1968/2023.

Ms. Noushaba Haque Solangi, Asst. A.G. Sindh.

Mr. Roshan Ali Kanasro, R.D. Planning, Development, Monitoring & Implantation Cell (PDM&IC), CTA&A Department.

Mr. Zahid Abbas Akhund, Focal Person/Director Culture Tourism, Antiquities Department.

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**Salahuddin Panhwar, J:-** Pursuant to order dated 01<sup>st</sup> March 2024 Secretary Culture, Tourism, Antiquities & Archives Department, Government of Sindh submits compliance report. Being relevant, the same is reproduced as under:-

“In compliance of order passed by the Honorable High Court of Sindh. Karachi on 01<sup>st</sup> March, 2024, a report in the matter is submitted herewith for kind perusal of Honorable Court:

2. The complete lists of ancient properties declared/ notified under Ancient Monuments Preservation Act, 1904, Antiquities Act, 1975 & Sindh Cultural Heritage (Preservation) Act, 1994 have been categorized as per attached Lists (Lists with copies of Notifications are attached as Appendix-I, II & III)

3. A meeting of Committee has already been convened on 27.02.2024 (Progress Report is attached as Appendix-IV)

4 The Home Department, Government of Sindh has been requested to seek the mechanism for the formation of Tourism Police from the Government of Khyber Pakhtunkhwa or share their own opinion to introduce Tourism Police in Sindh Province vide letters dated 05.01.2024, 27.02.2024, 02.04.2024 & 19.04.2024 (copies of letters are attached as Appendix-V, VI & VII), however, the matter still remains un-responded.

5. Survey Report of Clock Towers/Ghanta Ghars was presented in Technical Committee of Sindh Heritage in its meeting held on 3<sup>rd</sup> April, 2024 and after discussion they were recommended to be declared as Heritage. Also, the progress report on the works of lands down bridge and Satiyun jo Astan, District Sukkur are at Appendix-VIII.

6. The Senior Member, Board of Revenue, All Commissioners in Sindh and Deputy Commissioners have been requested to mutate the of properties owned by the Culture Department in the record of rights vide letters dated 08.01.2024 and 14.03.2024, (copies of letters are attached as Appendix-IX & X), however, the matter still remains un-responded. In this regard, the demarcation charges amounting to Rs.15.00 million have also been paid to the Board of Revenue.

7. The Deputy Commissioner concerned have been requested to furnish a detailed report regarding maintenance of Clock Towers/Ghanta Ghar having attached as Appendix-XI & XII) however, the matter remains un-responded. Moreover, such scheme has also been included in the ADP of Culture Department for next financial year 2024-25 (copy enclosed as Appendix-XIII).

2. Accordingly Secretary Home Department, Government of Sindh and Senior Member Board of Revenue shall ensure compliance of order dated 01<sup>st</sup> March 2024. In case of failure they shall appear in person.

3. At this juncture, counsel for the petitioner also filed a statement providing details of historical buildings. He has emphasized that Civil Court Rohri is unique historical building, which is situated on the Hill and is in very miserable condition. According to him in Civil Court Rohri trial of Pir Pagaro Sibgatullah Shah Rashdi was conducted in 1930 represented by Quaid-e-Azam Muhammad Ali Jinnah in this case and in other cases as well. Besides this Court, there is a bungalow of civil judge, which is located on a valuable land /ancient property and is required to be declared heritage. Further, he apprehends that such valuable land/ancient property can be occupied by the illegal occupants/builder mafias.

4. Accordingly, Deputy Commissioner Sukkur alongwith District & Sessions Judge Sukkur shall visit the site, ensure demarcation, sign marks, identify the boundary and shall ensure that same is not occupied by any manner. All necessary measures shall be undertaken to pursue the same with mutation in the record of rights.

5. Secretary Culture shall also depute Director Antiquity to examine the heritage value of Civil Court Rohri and notify the same if it is falling within the ancient antiquities. Mr. Sohail Latif Memon, advocate would be competent to join the visit and demarcation for providing assistance.

6. At this juncture, the counsel contends that *Masoom Shah Jo Minaro* Sukkur is restricted by the Culture Department, wherein photography is not allowed, and in hot seasons, visitors are being directed to remove their shoes/slippers. A representative of the Culture Department contends that the place is not a holy site, hence, such restrictions/bans have no sanctity and they will remove such sign marks within a week as well as provide basic facilities and guidelines for visitors.

To come up on 23.05.2024 at 9:30 a.m. Needless to mention that this is a part heard case.

**J U D G E**

Sajid