

ORDER SHEET
**HIGH COURT OF SINDH CIRCUIT COURT,
HYDERABAD**

C.P No.D-1491 of 2024

DATE	ORDER WITH SIGNATURE OF JUDGE
<u>28.10.2025</u>	Mr. Dilber Khan Leghari, advocate for petitioner Barrister Waleed Khanzada, advocate for respondents 4&5 Mr. Muhammad Ismail Bhutto, Additional A.G Sindh ***

Through this petition, the petitioner has challenged the actions of alleged conversion of amenity plot for Public Park into commercial Plaza on part of the Municipal Committee Tando Adam/respondents No.4 and 5 that was reserved for Public Park.

Pursuant to notice the reply has been filed by the respondents No.4 and 5 jointly. In para-4 of the reply, which is reply of para-3 of the petition, it has been specifically stated that public park was established on an area of 64000 sq. feet that still existed at the site while an area of 2000 sq. foot is extra land which is being utilized by the Municipal Committee for commercial purposes in accordance with law.

Learned counsel for the petitioner submits that the comments filed by respondents No.4 and 5 are nothing but to defeat the very purpose of filing this petition, as the children park has been occupied illegally and a commercial plaza is being erected on the said land.

Learned counsel for the respondents No.4 and 5 submits that the contentions so raised by the petitioner's counsel are not correct as the park still exists at the site where it was established and no commercial activity is being carried out on the land reserved for Public Park. He further submits that the commercial plaza has been constructed on the extra land of 2000 sq. feet that too with the approval of the Council of Municipal Committee in its meeting held on 23.07.2024, which was attended by all its members. He also submits that Ruled Card of the property has also been annexed with the comments, showing a total area of 11850 sq. yards, out of which the Public Park is constructed over an area of 64000 sq. feet (equal to 7111-11 sq. yards) while the remaining is being utilized for commercial purposes.

Learned Additional A.G Sindh also supported the contentions raised by counsel for Municipal Committee and submits that the land in question is owned

by the Municipal Committee and they can use it for commercial purposes. He, however, undertakes that in case of violation the Provincial Government shall initiate action against the Municipal authorities in accordance with law.

Heard and record perused. The dispute agitated by the petitioner relates to the property, reserved for Public Park, but this stance has specifically been controverted by the respondents No.4 and 5 through their reply/comments duly supported by affidavit. The stance of the petitioner that land reserved for Public Park is being utilized for commercial purposes does not find support from the record, as the record reflects that there is a total area of 11850 sq. yards out of which only an area of 64000 (equal to 7111.11 sq. yards) is reserved for Public Park, which admittedly is available there. So far as the remaining/extra area is concerned, admittedly the Municipal Committee is the owner of the land and as such cannot be restrained from using it for commercial purposes for the purported support of its financial needs. No case for indulgence by this Court is made out. Accordingly this petition is dismissed alongwith pending applications. However, the Municipal Committee Tando Adam is directed to ensure that the land reserved for Public Park is utilized for said purpose only and it shall devise a plan to provide sufficient recreational and entertainment facilities to the residents of Tando Adam.

JUDGE

JUDGE

Sajjad Ali Jessar