

BEFORE THE HON'BLE HIGH COURT OF SINDH AT
KARACHI

Const. Pet. No. 2042 /2021

MUHAMMAD SALEEM

S/O ABDUL AZIZ, Muslim

Adult, R/o House No.1735/709

Ghousia Muhalla New Anjam Colony

Baldia Town

Karachi

... PETITIONER

VERSUS

1. Government of Sindh,
through its Home secretary,
Having office at Sindh Secretariat
Karachi
2. Additional Inspector General
Sindh Police
Having office at Central Police office,
I.I. Chandigar Road
Karachi
3. Senior Superintendent of
Sindh Police, District West
Having office at
SITE Police station
Karachi
4. The station House officer,
P.s. Baldia town
Karachi West
5. MUBASHIR AHMED
6. FOUZIA MANZOOR
7. BUSHRA ARIF
8. NAZIA MAQSOOD SAQFI
All at Sr. No. 5 to 8
Son, Daughters, Widow of

late Manzoor Ahmed Khokhar (late)
 Ahmadi'ss Adults, R/o
 House No.7/21, Muhalla
 Dar-ul-Rehmat Sharki
 Chanab Nagar Chaniute
 Province of Punjab

9. IQBAL MEHMOOD S/O

MUHAMMAD AKBAR KHAN

AHMADI'S (Quadiani) Adult, R/o
 House NO.13, Staff colony
 GCT. (Government College of Technology
 Site Karachi)
 The attorney of the
 Respondent NO.5 to 8 also

10. Deputy Commissioner
 Karachi West through
 Assistant Commissioner West
 having office at S.I.T.E
 Karachi

..... RESPONDENTS

CONSTITUTIONAL PETITION UNDER ARTICLE 199
OF THE CONSTITUTION OF ISLAMIC REPUBLIC
OF PAKISTAN ACT 1973

The petitioner above named most
 respectfully prayed as under:-

1. That the petitioner is law abiding
 citizen and has been authorized by the
 residents of the vicinity of Baldia
 Town Karachi, West through proper
 resolution vide resolution dated
 02.09.2020 for the purpose of filing
 the litigation in respect of worship

Den and preach of Quadiani School of thought in the area and thus lawfully empowered the petitioner to file the instant petition in representative capacity as well as individually being the aggrieved person.

Copy of resolution is hereby attached duly signed by the number of peoples and marked as annexure A.

2. That the Respondents NO.5 to 9 belong from Ahmadi's's School of thoughts & permanently residing at the above given address and they are running their unconstitutional and unlawful activities at Pakistan city of Karachi through their General attorney i.e. Respondent NO.9 & other paid employees and Ahmedi's lobby financing them and they are administrating and for this purpose they are running the Worship Den situated at Jam Nagar Muhalla Baldia Town bearing premises No.58 (old number

1726/500) and in the year May, 2018 the respondent NO.5 to 8 have authorized the respondent No.9 to complete the formalities of the lease process of such premises and they all succeeded to obtain the lease of premises on their names by using illegal means and bribe to officials of KMC (Kachi Abadi's) which is being used for un constitutional, un Islamic purpose amounting to gross violation of religious feelings and to openly damage the religious teachings as noted above in the Muslim Populated area i.e. at Jam Nagar Muhalla Baldia Town No.5 Karachi west, near Noorani Kitchen.

The copy of the power of attorney and lease deed ^{snaps} of the premises in question, are attached herewith and marked as annexure B & B/2.

3. That the above noted respondents are pattern in chief, main facilitators to

their other men & women who are openly preaching the Quadiani/ Ahmadi's School of thoughts as noted above since 2011/2012 on—wards and their other companions / paid employees are acting to execute the acts and deeds amounting to blasphemy which is quite beyond the limits of Islam and against the constitution of Islamic republic of Pakistan and converting young Muslims boys and girls into Quadiani/ Ahmadi's School of thoughts by depriving by giving them greed of wealth and bright future by sending them abroad, Europe and now they are openly preaching of Quadiani/ Ahmadi's School of thoughts at the above noted Den and specially they gathered on every Friday at the same place under the security of respondent No.4 and thus committing the unlawful acts.

4. That when since last 2 years their activities openly come on record, the different associations of the area and different Muslim personalities of the areas have raised their objections on their such activities orally as well as in writing and for this purpose the MPA of the area i.e. MPA of P.S. 115 Baldia Town Karachi Mr. Qasim Fakhri was addressed and has been requested by the Muslim populations to seal / close the said worship Den and to Restrain/Ban them through stake holders from their illegal acts and so many applications received to said MPA against the above noted act and the said MPA has tried to close the said Worship Den and filed different applications to respondent NO.1 to 4. On different times and on the strength of same applications the proper enquiry has been conducted by

the respondent NO.4, and forwarded to Hon'ble Deputy commissioner west alleging therein about the activities noted above but no action has been taken yet.

Photo copy of the applications dated 05.05.2020 07.05.2020 & 11.05.2020, addressed to respondent NO.1 to 4 & other stake holders are attached herewith, and marked as annexure C to C/17.

5. That it is pertinent to mention here that the respondent NO.5 to 8 and their man have illegally, without due process of law and by giving bribe to officials of KMC Kachi Abadi has succeeded to leased out the above noted Den upon which the peoples of the area has raised objection before KMC Kachi abadi through the petitioner and other respectable inhabitant of the area has filed different applications to the KMC Authorities through petitioner for

cancellation/ recalling the lease of the said premises. And upon the serious protest of the residents, the KMC Katchi Abadi have recently in the year 2020 has filed a civil suit bearing NO.951/2020 pending before Hon'ble 3rd sr. civil judge Karachi west for cancellation of lease of said premises which was being obtained in fraudulent manner and the said proceeding is still pending for adjudication but the open activities of the respondent NO.5 to 9 are still in progress which is now on peak and no any restraining proceeding has filed in any other court of law nor any action has been taken against the officials of KMC (Kachi Abadi) duly involved in the illegal process of lease and despite service of show cause notices.

The copies of said show
cause notice and

enquiry report of SHO are hereby attached herewith and marked as annexure D to D/2.

6. That due to the above omissions and commissions of the respondent NO.5 to 9 the serious law and order situation has been created in the area and there is serious apprehension for further breach of peace, bloodsheds until setting the law in motion as in the past year 2012 one incident of murder has been committed near the same place in which some Ahmadi's persons were attacked and killed and an FIR bearing NO.180/2012 dated 19.10.2012 was registered before respondent NO.4, and since then the activities are in process which is now on very high level.

The copy of FIR is hereby attached and marked as annexure F.

7. That the unlawful and unconstitutional preach of Ahmadi's School of Thoughts and the act of openly converting the Muslim population in the Ahmadi's School of thoughts is being run administered openly under the patronage of respondent No. 5 to 9 hence, the necessary interim orders are highly required by this Hon'ble court to Restrain/Ban the activities of the respondent NO. 5 to 9, their men, women, nominees representatives, attorneys to act un-constitutionally, Hence the instant petition and there is no any efficacious remedy is available against the acts of the respondents NO. 5 to 9 hence the instant petition.

8. That regarding the above noted incidents the reports of respondent No. 4 is self explanatory which has been forwarded to respondents No. ~~10~~ and other

stake holders and it has been mentioned clearly about the activities in question but no fruitful result has come on record nor the grievance of locality has been redressed and even thereafter the petitioner has filed further applications to respondent NO. 2 to 4 alleging therein about the open activities vide application dated 05.10.2020 sent through TCS, by hand duly received for legal action but no forceful action has yet been taken against the act of Ahmadi's School of thoughts.

The copies of said applications and courier slips duly received by the respondents are hereby attached and marked as annexure E Jo E/5.

9. That the respondent NO.1 to 4 has fully intimated about the situation in writing but they failed to fulfill

11. That it is well settled that the Ahmedi's / quaidanis has been declared non Muslim in the constitution of Islamic republic of Pakistan. Hence the instant petition and other legal and factual grounds shall be urged at the time of hearing of the instant petition with kind permission of this Hon'ble court.

PRAYER

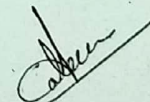
It is therefore prayed that this Hon'ble court maybe pleased pass the orders and issue the writs as under:-

- a) To declare the acts, deeds of the respondents No.5 to 9 and their agents, and anyone else acting on their behalf as un-constitutional, un-Islamic and quite unlawful, injurious for all general Muslims and are ultra vires of the constitution and they may Restrain/Ban completely to continue the open, unwarranted, unlawful activities of converting the Muslim population to

Ahmadi's school of thoughts and may pass proper order for legal action against the respondents and other responsible being the accused of blasphemy or as may be.

b) To pass an order to Completely seal the illegal and unlawful activities center, as situated at Jam Nagar Muhalla Baldia Town Karachi west bearing premises No.58 (old number 1726/500) and the respondent No.1 to ^{8/10}4/~~5~~ may be directed to act accordingly and ~~not~~ provide the security / shelter to the respondents NO.5 to 9 and their agents, nominees, for un-constitutional, un-religious & un Islamic activities.

c) Any other relief(s) this Hon'ble court may deem fit and proper under the circumstances of the case.



PETITIONER

Karachi
Dated 12 March 2021



ADVOCATE FOR PETITIONER