

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD
C.P NO. D-970 OF 2024
[Abdul Jabbar & Another v. Province of Sindh & Others]

DATE	ORDER WITH SIGNATURES OF JUDGES
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11.11.2025

Petitioners represented by Mr. Salahuddin Ahmed, Advocate.
Respondent No. 2 & 3 represented by Mr. Irfan Ali Bughio, Advocate.
Respondent No. 4 represented by Mr. Asif Ali, Advocate
Mr. Rafique Ahmed Dahri, A.A.G. Sindh.

RIAZAT ALI SAHAR, J

In essence, the instant petition revolves around the Petitioners’ lawful entitlement to seek conversion of their respective residential properties each situated on 150-feet-wide commercial or declared, commercial roads within Latifabad, Hyderabad, into commercial use under the established policies, notifications and precedents of the Hyderabad Development Authority (HDA). Despite both Petitioners having duly applied for commercialization in February and May 2024 and notwithstanding the fact that more than twenty surrounding properties have already been converted and the entire vicinity is indisputably commercial in character, Respondents No.2 and 3 refused to entertain their applications by erroneously relying upon the judgment passed in C.P. No. D-1919 of 2019. However, a bare reading of the said judgment reveals that it imposes no blanket ban on land-use conversion; rather, it merely directs that due procedure be followed and notices be issued before granting conversion. The Petitioners’ properties fall squarely within HDA’s notified policies, including the Governing Body decisions of 2007, 2009 and 2010, permitting commercialization on roads exceeding 60 feet and on declared commercial roads.

Upon notice, Respondent No.4 [Sindh Building Control Authority] submitted its reply wherein it was stated that the Regional Interim Building & Town Planning Regulations, 2018 do not impose any prohibition on the conversion of residential plots into commercial use, except in the case of amenity plots for which change of land use is

expressly barred. It was further clarified that, insofar as plots situated on 150-feet-wide roads or already-declared commercial corridors are concerned, the Regulations fully accommodate commercialization subject to compliance with requisite procedural formalities. Respondent No.4 thus maintained that the Petitioners' properties *prima facie* fall within the permissible parameters of conversion and that no restriction under the prevailing building regulations prevents the Respondents from processing their applications in accordance with law.

Respondents No. 2 and 3 [Hyderabad Development Authority] submitted their detailed reply wherein they primarily contended that the Hyderabad Development Authority (HDA), being governed by its Governing Body under the HDA Act, 1976, has historically framed and implemented policies permitting conversion of residential plots to commercial use on roads measuring 60 feet and above. However, they asserted that after the order dated 09.11.2018 passed by the Honourable Supreme Court, appointed Water Commission, followed by the judgment dated 22.12.2022 in C.P. No. D-1919 of 2019, a ban has purportedly been imposed on land-use conversion until a uniform policy is approved and notified by the Government. Although HDA was admittedly not a party to the said petition, the Respondents stated that, owing to ambiguity regarding the applicability of the judgment to HDA, they have suspended consideration of all applications, including those of the Petitioners, and have forwarded a summary to the Additional Chief Secretary, Local Government Department, seeking legal advice from the Law Department, which advice is still awaited. The Respondents nevertheless conceded that HDA has an approved policy for commercialization, has previously converted numerous similar plots and remains the competent authority for such approvals, but maintain that they have refrained from processing the Petitioners' requests solely due to the pendency of clarification regarding the judgment dated 22.12.2022 in C.P. No.D-1919 of 2019.

Heard learned counsel for the petitioners and the respondents and perused the available record. A bare examination of the judgment

dated **22.12.2022** rendered in C.P. No. D-1919 of 2019 makes it abundantly clear that a Division Bench of this Court did not impose any blanket or perpetual embargo on the conversion of residential plots into commercial use. The Bench was seized of a *fact-specific dispute* concerning the amalgamation and commercialization of two residential plots (Ghonghat Banquet) situated in a predominantly residential locality, where the requisite codal formalities, such as issuance of public notice, obtaining neighbour consent, conducting infrastructural and traffic-impact assessments and adherence to planning regulations, had admittedly not been fulfilled.

It was in this context and owing to these procedural lapses that the Court held that the commercialization undertaken therein was irregular, directing the owner to re-apply and further directing the competent authority to decide such application strictly in accordance with law, the dicta laid down by the Honourable Supreme Court and a uniform policy once framed. The observations of the Division Bench were thus contextual and confined to the peculiar facts of that case; at no point did the Court restrain the Hyderabad Development Authority (HDA) from entertaining applications for land-use conversion in general, nor did it prohibit commercialization on declared commercial corridors or 150-feet-wide roads.

A further aspect of considerable significance emerges upon examination of the material available on record. The development, expansion and regulation of any major urban centre is intrinsically dependent upon the existence of a duly approved and enforceable **Master Plan**, which functions as the foundational instrument delineating the city's spatial, infrastructural and regulatory framework. A Master Plan is not a mere administrative document; rather, it constitutes the central planning charter of a metropolitan area, defining zoning classifications, the hierarchy of road networks, density controls, commercial corridors, industrial clusters, utility alignments, open spaces and future growth patterns. In the absence of such a guiding framework, the process of land-use conversion, particularly from residential to commercial, risks

becoming arbitrary, inconsistent and susceptible to challenge, thereby undermining orderly urban development.

It is an undeniable reality that cities of the scale and demographic weight of Hyderabad require a comprehensive and scientifically prepared Master Plan reflecting the original layout, existing usage patterns, projected traffic flows, road hierarchy, infrastructural capacities, environmental considerations and zoning categorization of each sector. Such a plan provides clarity as to which zones are residential, commercial, mixed-use, or industrial and what permissible intensities or restrictions apply thereto. Surprisingly, however, **no such Master Plan, whether approved or even in draft form, has been placed before this Court** by any of the respondents. The absence of this crucial document raises serious concerns regarding the manner in which land-use and commercialization matters have been handled in Hyderabad for the past many years. Furthermore, the minutes of the 104th meeting of Governing Body of Hyderabad Development Authority held on 3rd, May 2007 does not establish any police in compliance of the judgment dated 22.12.2022 rendered in C.P. No.D-1919 of 2019 passed by this Court.

Moreover, Hyderabad is a city where various statutory and semi-autonomous authorities concurrently exercise jurisdiction in different pockets, including the Hyderabad Development Authority (HDA), Sindh Building Control Authority (SBCA) and significantly, the **Cantonment Board**, which governs substantial and densely populated segments of the city. Any effective and lawful Master Plan cannot be prepared or implemented without the meaningful inclusion of the Cantonment Board, which remains one of the principal stakeholders responsible for land-use regulation, building control and civic management within its territorial limits. It would, therefore, be just, fair and necessary to implead the Cantonment Board as a party to these proceedings, so that a coordinated and city-wide planning mechanism rather than a fragmented or authority-specific one may be brought before the Court.

In these circumstances and in order to bring clarity, uniformity and legality to the entire process of commercialization, conversion, zoning and urban development in Hyderabad, **notice is hereby ordered to be issued to the Cantonment Board**, in addition to the already-impleaded respondents, to submit:

- (i) Whether any Master Plan exists for the areas falling under their jurisdiction;
- (ii) If so, its current status, legal approval and applicability; and
- (iii) If not, what steps have been taken or are proposed for preparation of a unified Master Plan for the City of Hyderabad in coordination with HDA, SBCA and other relevant agencies.

Furthermore, let HDA, SBCA and the Cantonment Board each file a **comprehensive report** setting out:

- (a) the status of any existing Master Plan or draft Master Plan for Hyderabad;
- (b) the statutory or regulatory framework presently governing conversion from residential to commercial use;
- (c) any policies, notifications, or guidelines applicable to declared commercial roads, 150-foot corridors, and mixed-use zones; and
- (d) the proposed mechanism and timeline for preparing or updating a uniform Master Plan consistent with modern urban-planning standards and the dicta laid down by the Superior Courts.

The office is directed to send a copy of this order to the Managing Director HDA, Director-General SBCA and the Chief Executive Officer of the Cantonment Board concerned, through all available modes including Fax, for **strict compliance** and submission of their respective reports. Intimation notice shall also be issued to all concerned.

To come up on **04.12.2025**.

JUDGE

JUDGE