

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI

Constitutional Petition No. D-5482 of 2023
(Muhammad Ahmed Lodhi and another versus Province of Sindh & others)

Date	Order with signature of Judge
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Mr. Justice Adnan-ul-Karim Memon
Mr. Justice Abdul Mobeen Lakho

Date of hearing and order: 22.1.2026

Mr. Muhammad Nazim Khokhar advocate for the petitioners
Mr. Abdul Kuhrusheed Khan, advocate for respondent No.10
Mr. Ghulam Akbar Lashari, advocate for SBCA
Mr. Shariq Mubashir AAG
SI Noor Ahmed, PS Manghopir, Karachi West

O R D E R

Adnan-ul-Karim Memon, J. The petitioner has filed the captioned Constitutional Petition under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, with the following prayer: -

- a. *To direct the respondent Nos. 1 to 9 to that the construction Plot Bearing No. ST-12. Sector 11-E, Measuring 999.98 sq. yards, situated at Sector 11-E, Orangi Township, Karachi, made without any approved plan, is illegal and the same is also liable to be demolished/sealed.*
- b. *To direct the respondent Nos. 1 to 9 to submit the detailed report/current position of the amenity plot, i.e., Plot Bearing No. ST-12. Measuring 999.98 sq. yards, situated at Sector 11-E, Orangi Township, Karachi, along with the record before this Court.*
- c. *To appoint Nazir of this Court for inspection of the Site/constructions on the amenity plot bearing No. ST-12, Sector 11-E, Measuring 999.98 sq. yards, situated at Sector 11-E, Orangi Township, Karachi to ascertain illegal construction on the said plot, in this regard, the petitioners are ready to pay Nazir's fees.*
- d. *Restrain the respondents, their officers, officials, representatives, or any other persons(s) from raising further construction over the amenity Plot Bearing No. ST-12, Sector 11-E, Measuring 999.98 sq. yards, situated at Sector 11-E, Orangi Township, Karachi, without due course of law.*

2. Petitioners allege that private respondents 10 to 22 are carrying out illegal commercial construction on the subject amenity plot.

3. Counsel for respondent No.10 stated that the respondent is the President of *Madarsa wa Masjid Ayesha* Trust, which owns the plot, and there is no illegal construction now as portrayed by the petitioners, and prayed for dismissal of the petition.

4. Learned counsel representing SBCA submitted that demolition action was taken in compliance with Court orders; iron bars for columns were removed, and no construction is currently ongoing. It is submitted that petitioners' previous claim of plinth construction was false; photographs provided showed precast RCC beam frames at a nearby site, not the plot in question. Any future illegal construction will be dealt with lawfully.

5. The learned Nazir of this Court submitted his report with the narration that Subject plot is Corner plot, 999.98 sq. yards, Sector 11-E, with three entrances, shops at front and left, Masjid Ayesha and Madarsa built on one portion, remaining area open. Two large holes dug for underground water tank for Masjid; no fresh construction noted. KMC has record but could not provide official documentation; SBCA had no map. He concluded that no unauthorized construction observed at the time of inspection; situation under monitoring, and lawful action will be taken if any illegal activity occurs.

6. In view of the foregoing facts and submissions, *prima facie*, the petitioners' allegations regarding illegal commercial construction on the subject amenity plot by private respondents 10 to 22 are not substantiated. The owner of the plot is the *Madarsa wa Masjid Ayesha Trust*/respondent No.10, as confirmed by its counsel, and no ongoing illegal construction was observed. The SBCA has complied with Court orders by removing iron bars erected for columns, and no construction is presently underway. The earlier claim of plinth construction by the petitioners was factually incorrect, as the photographs relied upon relate to nearby precast RCC beam frames and not the subject plot. The Nazir's inspection corroborates that the plot is partly occupied by the Masjid and Madarsa, with the remaining portion open, and that the only excavation relates to an underground water tank for the Masjid. No unauthorized construction was observed. Records from KMC and SBCA were limited, but on-site inspection confirms the absence of illegal commercial construction.

7. In absence of evidence of ongoing illegal construction, the compliance of SBCA with Court orders, and the Nazir's factual report confirming lawful use of the plot, the petitioners have not made out a *prima facie* case.

8. Accordingly, the petition lacks merit and is dismissed, with the liberty to SBCA and concerned authorities to take lawful action in case of any future unauthorized construction.

JUDGE

JUDGE

