

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH AT KARACHI**

C.P. No.D-1079 of 2026  
**(Muhammad Yaseen & others v SBCA & others)**

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| Date | Order with signature of Judge |
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Before:  
Mr. Justice Adnan-ul-Karim Memon  
Mr. Justice Muhammad Hasan Akbar

**Date of hearing and Order: 20.05.2026**

Mr. Farhan Javed, advocate for the petitioner  
Mr. Badrul Alam, advocate for respondent No.6  
Ms. Humaira Jatoi, advocate for SBCA  
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**ORDER**

**Adnan-ul-Karim Memon, J.** – Learned counsel for the petitioners submitted that they are the lawful owners of shops situated at Plot No. TL-2/21, Ishwar Compounds, Butter Road, Godra Camp, Napier Road, Karachi, and SBCA sealed the entire property without issuing prior notice. Despite filing representations before SBCA, no response was received. The petitioners further alleged that upon revisiting the premises, they discovered that the property had been resealed and occupied by unknown persons.

2. Conversely, learned counsel for SBCA contended that the matter pertains to an old and dangerous structure situated at Plot No.21, TL-2, Tehlram Quarters, which had been declared unsafe and unfit for human habitation. According to SBCA, the building was sealed on 07.11.2025, and demolition proceedings were initiated; however, the official seal was later tampered with, and the premises were allegedly reoccupied by unknown persons. It was further argued that the petitioners were essentially seeking restoration of possession, for which an adequate alternate remedy is available under the Illegal Dispossession Act, 2005, thus no case for interference under Article 199 of the Constitution is made out. She prayed to dismiss the petition.

3. Counsel for respondent No.6 submitted that the building is presently unoccupied and in a dangerous condition, posing an imminent risk of collapse, while also claiming possession of the property based on certain documents, which claim was disputed by the petitioners.

4. This Court, vide order dated 28.04.2026, appointed the Nazir to inspect the property and report regarding its condition, possession, and title. The Nazir reported that the building was found in a severely dilapidated and dangerous condition, with broken portions, damaged walls, exposed beams,

missing roofing, and substantial debris, rendering it unfit for human habitation except for a small Imam Bargah portion, which appeared comparatively intact. The report further reflected that the property lease had expired in 2014 and that the property had also been declared Evacuee Trust Property. The Nazir further noted that SBCA confirmed sealing of the building on 04.07.2025 and stated that no information was available regarding the removal of the seal. However, petitioners claimed forcible dispossession from their respective portions, whereas respondent No.6 asserted lawful possession as a tenant under the Evacuee Trust.

5. After hearing learned counsel for the parties and examining the material available on record, particularly the report submitted by the learned Nazir pursuant to the order of this Court dated 28.04.2026, it has transpired that the subject building is in an extremely dilapidated, damaged, and hazardous condition. The Nazir has categorically observed that several portions of the structure are broken and partially collapsed, the walls and beams are structurally weakened, roofing portions are missing, and debris is scattered throughout the premises, rendering the building wholly unsafe and unfit for human habitation. The report further establishes that the condition of the structure poses an imminent danger to human life and property, and, therefore, no person can be permitted to occupy or use the premises until the competent authority takes lawful measures in accordance with the building laws and safety regulations. In such circumstances, protection of human life and public safety must take precedence over all competing private claims.

6. It is also evident from the record that serious disputes exist about the ownership, title, possession, and entitlement over the subject property. While the petitioners claim themselves to be lawful owners and occupants of their respective portions, respondent No.6 has asserted possession and tenancy rights under the Evacuee Trust Property authorities. Furthermore, the Nazir's report reflects that the lease of the property expired in the year 2014 and that the property has been recorded as Evacuee Trust Property pursuant to the relevant Gazette Notification. These disputed questions of title and possession involve complicated factual controversies requiring the recording of evidence and adjudication by a competent forum and cannot be conclusively determined in constitutional jurisdiction under Article 199 of the Constitution, particularly when rival claims are seriously contested by the parties.

7. At the same time, the conduct relating to the removal/tampering of the official seal placed by SBCA also prima facie constitutes interference with lawful authority and cannot be permitted to continue, especially in respect of a structure already declared dangerous and uninhabitable by the competent authority. The fact that the premises were allegedly reoccupied after sealing further reinforces

the necessity of immediate preventive measures to avoid any untoward incident or loss of human life.

8. In view of the above facts and circumstances, this Court is of the considered view that no equitable or constitutional relief regarding restoration of possession can presently be granted to any party in respect of a building which is structurally unsafe and dangerous for occupation. Since the dispute regarding ownership and possession requires proper adjudication before the competent civil forum or any other authority having jurisdiction, the parties are at liberty to seek appropriate remedies in accordance with law for the determination of their respective rights, title, and interest in the property. However, until such determination, public safety and enforcement of building regulations cannot be compromised.

9. Consequently, SBCA is directed to forthwith reseal the subject property and ensure that no person is allowed to enter, occupy, or use the premises in any manner whatsoever. SBCA shall also proceed strictly in accordance with the law regarding demolition or any further action required in respect of the dangerous structure. In case any person attempts to break the seal, interfere with the process of law, or unlawfully occupy the premises, the concerned SHO shall take immediate action in accordance with law, including proceedings under Section 154 Cr.P.C.

10. Without touching the merits of the case about claim and counterclaim of the parties on the subject premises, the petition, along with pending application(s), stands disposed of in the above terms.

JUDGE

JUDGE