

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C.P. No.D-3674 of 2025

Date	Order with signature of Judge
------	-------------------------------

1.	For order on office objection
2	.For hearing of CMA No.25357/2025
3.	For hearing of CMA No.15242/2025
4.	For hearing of main case

21.01.2026

Mr. Ahmed Masood, Advocate for the petitioner.

Mr. Dhani Bux Lashari, Advocate for the SBCA.

Mr. Shariq Mubashir, AAG.

The Petitioner requests to :

- a. *Declare the actions of the Respondents illegal, unlawful, and unconstitutional.*
- b. *Declare the impugned notice and demolition unlawful, without jurisdiction, and unconstitutional.*

2. The case of the petitioner is that the Petitioner is a registered partnership formed on 01.04.2021 and the lawful owner of Commercial Plot No. COM-11/4, Block-2, Clifton, Karachi, measuring 1003.11 sq. yards. The property was initially allotted in 1985 to Mr. T.S. Khetpal, Mr. Vivak Khetpal, and Mr. Vickram Khetpal, who subsequently received a lease from the Karachi Development Wing in 2007. The Petitioner, through its partners, purchased the property via a registered Sale Deed on 04.05.2021, and an additional 26.45 sq. yards was allotted through a Deed of Addendum dated 23.02.2022. The Petitioner's intention was to develop a high-rise commercial/residential project. Accordingly, the Petitioner obtained construction permits from Respondent No.2 on 06.07.2022, 17.04.2023, and 07.06.2023, as well as an environmental NOC from Respondent No.5 on 15.04.2022. Despite this, Respondent No.2 issued a show-cause notice on 29.04.2025 alleging construction violations based on outdated permits. The Petitioner responded on 02.05.2025, clarifying that the construction conformed to the latest approved plan. A similar show-cause notice was issued on 29.05.2025, to which the Petitioner replied on 30.05.2025. Despite these communications, on 28.07.2025, officers of Respondents No.2 to 5 visited the property, alleging violations and claiming the environmental NOC was fabricated. They handed an impugned notice dated 17.07.2025 on-site, without prior notice, and subsequently demolished portions of the property without giving the Petitioner an opportunity to respond. The Petitioner's representatives presented all required approvals, but demolition continued, causing substantial

financial loss, reputational damage, and disruption of the project. The Petitioner asserts that all construction is lawful, in accordance with the approved plan, and that the actions of the Respondents were malafide, arbitrary, unlawful, and beyond their authority. These acts have caused irreparable harm, undue harassment, and intimidation, as well as a severe impact on the value and development of the property.

3. Learned counsel for the Petitioner contended that the Petitioner's rights to equality, property, and lawful enterprise under Articles 4, 9, 10-A, 18, and 24 of the Constitution were violated. The Respondents acted malafidely and without lawful authority, disregarding fairness, legitimate expectation, and procedural propriety, and caused arbitrary demolition and harassment, resulting in financial and reputational loss. The Petitioner holds a lease for Commercial Plot No. COM-11/4, Block-2, Clifton, Karachi, and obtained approved building plans on 06.07.2022 and a revised plan on 17.04.2023 for 10–29 floors. SBCA issued a Show Cause Notice on 29.04.2025 alleging minor violations, which the Petitioner addressed, and SBCA later admitted the error in its letter dated 17.07.2025, yet partially demolished the property. Meanwhile, this Court modified the interim order on 15.12.2025, restraining further construction until 22.12.2025 and issued notice to the Petitioner.

4. SBCA later on reported that violations at Sr. 1 & 2 were rectified, parking and recreation areas restored, and violations at Sr. 3 to 8 were mostly compoundable, pending submission of a completion plan. An excerpt of the report is reproduced as under:-

- “1. *That after submission of comments in the above petition the owner/builder has rectified the violations mentioned at Sr.i & ii and restored the status as per approved plan, and restored parking on 9th floor and recreation area on 10th floor.*
2. *That the violations mentioned at S.Nos. iii to viii have also been checked and found almost compoundable and may be regularized / compounded during process of completion plan, however, till date the owner / builder / petitioner has not submitted completion plan.*
3. *That under the circumstances, the petitioner may be directed not to occupy / let to occupy the building unless completion plan is issued as required under Section 6(2) of the SBCO 1979.*

5. The Petitioner agreed to submit the plan, subject to all just exceptions as provided under the law, which SBCA will process the subject matter strictly in accordance with law within two weeks.

6. Without touching the merits of the case, the petition is disposed of by consent on these terms.

JUDGE

Aadil Arab

JUDGE