

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI

Constitutional Petition No. D-4130 of 2026
(Muhammad Bachal and another versus Province of Sindh and others)

Date	Order with signature of Judge
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Before:-
Mr. Justice Adnan-ul-Karim Memon
Mr. Justice Muhammad Jaffer Raza

Date of hearing & order: 13.8.2026

Mr. Aadil Channa, advocate for the petitioners.
M/s Dhani Bux Lashari & Qazi Amanullah, advocates for SBCA.
Mr. Ali Safdar Depar, AAG.

ORDER

Adnan-ul-Karim Memon, J. Petitioners have filed this Constitutional Petition under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, with the following prayer: -

- a) *Declare that no petrol pump can be established or operated on the Subject Plot in violation of Section 6 of the SCBO, 1979 and Regulations 25-11.5, 25-11.10, and 25-11.11 of KB&TPR, 2002;*
- b) *II. Declare that any and all construction raised on the Subject Plot in violation of Section 6 of the SBCO, 1979, is liable to be demolished in lieu of Section 7-A of the SBCO, 1979;*
- c) *III. Direct the Respondent Nos. 2 & 3 to take appropriate action to seize and/or demolish any construction being raised on the Subject Plot in violation of law;*
- d) *IV. Restrain the Respondent No. 4 from establishing and/or operating a petrol pump station on the Subject Plot and from raising any construction on the Subject Plot in violation of law and applicable rules;*

2. Learned counsel for the petitioners submits that the present petition concerns alleged illegal construction being raised over Plot No. 852, Pehlwan Goath, Gulistan-e-Johar, Karachi and the alleged failure of the concerned authorities to take action in accordance with law. It is contended that the subject plot falls within a Katchi Abadi and was acquired by respondent No.4 through Conveyance Deed dated 18.11.2022, whereas the requisite NOC/transfer from the competent Human Settlement Authority was obtained subsequently on 06.03.2024. It is further submitted that the plot was thereafter leased on 25.07.2025 for establishment of a petrol filling station. Learned counsel further submits that although an application for NOC was made before the Deputy Commissioner (East), and certain correspondence was exchanged between the concerned authorities, the petitioners dispute the legality and genuineness of the process culminating in the alleged NOC dated 22.10.2025. It is also alleged that the proposed/revised site plans were not in conformity with the applicable regulations and that the subject plot lacks the requisite minimum street frontage prescribed under the Karachi Building and Town Planning Regulations, 2002. It is further contended that the mandatory requirements relating to conversion of the plot for use as a petrol pump, public notice, approval of the competent town-planning authority, payment of prescribed charges and issuance of the requisite NOC were not complied with. It is added that despite the alleged absence of an

approved building plan and construction permit, respondent No.4 is stated to have commenced construction at the subject plot. He added that petitioners have approached the concerned authorities through letters dated 04.06.2026 and 26.06.2026, but no effective action was taken. He prayed to allow this petition.

3. The learned counsel for SBCA has submitted that the petitioners' complaint is required to be processed through SCRM; the competent authority may be directed to examine the complaint of the parties, after affording opportunity of hearing to all concerned, and determine whether the construction and proposed use of the subject plot conform to the SBCO, 1979, KB&TPR, 2002 and other applicable requirements. He prayed to dispose of the petition in terms thereof.

4. We have heard the learned counsel for the parties on the subject issue.

5. In view of the nature of the controversy, the grievance raised by the petitioners essentially involves disputed questions of fact and technical matters relating to the validity of the NOC dated 22.10.2025, change of land use, sanctioned site/building plans, prescribed street frontage and other statutory requirements for establishment of a petrol filling station. Such matters are required to be examined in the first instance by the competent statutory authority based on the original record, and this Court, in exercise of jurisdiction under Article 199 of the Constitution, would not ordinarily substitute itself for the authority in undertaking such technical determination.

6. Since learned counsel for SBCA has submitted that the petitioners' complaint is required to be processed through SCRM, the competent authority is directed to examine the complaint, after affording opportunity of hearing to all concerned, and determine whether the construction and proposed use of the subject plot conform to the SBCA, 1979, KB&TPR, 2002 and other applicable requirements. A speaking and reasoned order shall be passed in accordance with law. However, it is made clear that if the construction is found unauthorized and misuse of the land or otherwise in violation of law, appropriate action, including stoppage or demolition, shall be taken as permissible under the law. Conversely, if the construction of land use is found duly authorized, the complaint shall be dealt with accordingly.

7. Accordingly, the petition is disposed of with these directions, without expressing any opinion on the merits of the rival claims, while leaving the petitioners at liberty to avail any remedy available under law against the decision of the competent authority.

JUDGE