

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI

Constitutional Petition No. D-4445 of 2026

(M/s Delhi Mercantile Muslim Cooperative Housing Society Ltd 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 & Orders: 03.8.2026

Mr. Waheed Hussain Sahito advocate for the petitioner.

Mr. Dhani Bux Lashari, Humaira Jatoi and Amanullah, advocate for SBCA.

M/s Naveed Ali & Yasir Nadeem, advocates for respondents No.15 and 16.

Mr. Tarik Ali, advocate for respondent No.6-SSGC.

Mr. Khursheed Javed and Ms. Nazia Siddiqui, advocates for KDA.

Mr. Abdul Jalil Zubedi, Addl. AG Sindh.

ORDER

Adnan-ul-Karim Memon, J. The petitioner, M/s Delhi Mercantile Muslim Cooperative Housing Society Ltd., filed the instant Constitutional Petition under Article 199 of the Constitution of Pakistan, seeking directions against the alleged unauthorized construction being carried out by private respondents No.14 to 16 on Plot No.16/1, measuring 469 square yards, Block-3, situated in Delhi Mercantile Muslim Cooperative Housing Society, Karachi. The petitioner sought demolition/sealing of the alleged illegal construction, appointment of Nazir for inspection, restraint against further construction, and directions to concerned authorities not to process mutation, transfer, utility connections, or create any third-party interest in respect of the subject plot.

2. Learned counsel for the petitioner submitted that the private respondents were/are raising a multi-story/commercial structure without any approved building plan from Sindh Building Control Authority (SBCA) and without obtaining NOC from the society. It was argued that the plot falls within a residential area and construction of flats/commercial portions was contrary to the society's by-laws, Sindh Building Control Ordinance, 1979, and Karachi Building & Town Planning Regulations, 2002, besides being hazardous to public welfare.

3. Learned counsel for SBCA stated that the competent authority/DG SBCA would examine the matter and take appropriate action regarding any unauthorized construction.

4. Upon being confronted with the legal position, learned counsel for the petitioner and private respondents agreed that the petition may be disposed of in terms of the statement made by SBCA's counsel.

5. without touching the merits of the case and with the consent of the parties, accordingly, the petition is disposed of with directions to the Director General, SBCA, to examine the issue of alleged illegal construction on Plot No.16/1, Block-3, Delhi Mercantile Muslim Cooperative Housing Society, Karachi, provide an opportunity of hearing to all concerned, and pass a speaking order within four weeks. The DG SBCA is also directed to consider the fact that respondents No.15 and 16 had already instituted Civil Suit No.3576/2026 before the Special Court for Cooperative Housing Societies, Karachi, wherein an interim order dated 15.07.2026 had been passed.

JUDGE

JUDGE

Shahzad Soomro