

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

Constitutional Petition No. D-33 of 2026
(Younus Masih versus Province of Sindh & others)

Date	Order with signature of Judge(s)
<u>Fresh Case</u>	Before: Mr. Justice Adnan-ul-Karim Memo Mr. Justice Yousuf Ali Sayeed

Date of hearing and order : 06.01.2026

Mr. Mumtaz Ali Khan Deshmukh Ali advocate for the petitioner

ORDER

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) *The Honourable Court may direct the Respondent Nos. 3 to 4 individually and collectively to not to harass the petitioner unnecessarily and protect the petitioner and his son from taking adverse action against the petitioners without adopting due course of law.*
- (B) *To direct the respondent No.4 Nisar not to lodge any FIR, nor execute any false agreement against the petitioner in any manner.*
- (C) *That the respondent Nos. 5 to 10 may directed to not lodge false FIR, false agreement against the petitioner and not create harassment against the petitioner.*
- (D) *To direct the respondent Nos. 5 to 10 not to raise illegal construction on house of petitioner i.e. House No. N-27, Gali, Sector 48-F, Joseph Gil Town Korangi, Karachi.*
- (E) *That respondent No.3 be directed to provide legal protection to the petitioner, his son and family members and save the petitioner from more harassment.*
- (F) *Any other relief this Honourable Court deems fit and proper under the facts and circumstances of the case. Also grant the favour to the petitioner to secure from the hands of the respondent Nos. 5 to 10.*

2. The case of the petitioner is that he is the owner of House No. N-27, Gali-4, Sector 48-F, Joseph Gil Town, Korangi, Karachi. Respondent No.6, Mst. Sonia is the petitioner’s daughter-in-law and the widow of Irfan, s/o Yousuf. Respondents No.5 to 10, who are family members of each other, are attempting to illegally occupy the petitioner’s house. The petitioner and his sons reside in the said house. After the death of Irfan, Respondent No.6 sought permission to construct a roof over her room. The petitioner allowed limited construction; however, she illegally extended construction to a kitchen. When restrained and when the decision of the local Jirga (named persons) was rejected by her, she became abusive and issued threats to malign the petitioner’s family. The house

measures 60 square yards, jointly owned by two brothers (30 square yards each). The 30 square yards devolves upon six legal heirs.

3. Learned counsel for the petitioner submitted that despite the involvement of local elders and political representatives, no resolution was reached. However, Respondent No.6 has made the petitioner's life miserable, though written complaints were submitted to the SHO and SSP South, but the police failed to register an FIR. He submitted that the petitioner's son, Sohail, filed Cr. Misc. Application No. 3323/2025, and protection was granted by the learned VIII ADJ East vide order dated 13.10.2025. However, Respondent No.6 also filed Cr. Misc. Application No. 3913/2025, wherein protection was granted by the learned 2nd ADJ East vide order dated 27.11.2025. He added that Respondents No.5 to 10 are raising illegal constructions and, in connivance with Respondent No.4 ASI Nisar, forcibly obtained the petitioner's signatures on a false agreement. He emphasized that the respondents are continuously harassing, threatening, and unlawfully visiting the petitioner's house, causing fear and insecurity. He added that due to the inaction and unlawful conduct of police officials, the petitioner has no alternate or efficacious remedy except to invoke the constitutional jurisdiction of this Honorable Court for the protection of his fundamental rights. He prayed to allow this petition.

4. In view of the above facts and submissions, it is observed that the grievance of the petitioner mainly revolves around alleged illegal construction, which squarely falls within the domain of the Sindh Building Control Authority (SBCA). However, SBCA has not been impleaded as a party to the present proceedings; therefore, no effective order can be passed in this regard.

5. So far as the aspect of protection is concerned, the record reflects that both parties have already been granted protection orders by the competent courts, namely the learned VIII ADJ East and the learned 2nd ADJ East, respectively. Thus, no further directions are required on this count.

6. Accordingly, without prejudice to the rights of the parties, the present petition is dismissed. The petitioner is, however, at liberty to approach the competent authority of SBCA under the prescribed legal mechanism for redressal of his grievance relating to alleged illegal construction, in accordance with law.

JUDGE

JUDGE

Shafi