

ORDER SHEET  
IN THE HIGH COURT OF SINDH AT KARACHI

Constitutional Petition No. D-1826 of 2025  
(Muhammad Tariq Mansoor advocate versus The Province of Sindh & others)

Date	Order with signature of Judge(s)
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Mr. Justice Adnan-ul-Karim Memon  
Mr. Justice Zulfiqar Ali Sangi

**25.2.2026**

Mr. Muhammad Tariq Mansoor, advocate / petitioner in person  
Mr. Abdul Jalil Zubedi, Assistant AG  
M/s Syed Ghulam Shabbir Shah, Irtafa-ur-Rehman, and Dhani Bux Lashari  
advocate for the respondent / SBCA  
Mr. Mubarak Ali Shah, advocate for the respondent / KDA  
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**ORDER**

**Adnan-ul-Karim Memon, J.** – Petitioner, who is present in person, has filed this Constitutional Petition under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, with the following prayer: -

1. *To declare that: the Respondent No2, impugned Amendment Notification, dated 13<sup>th</sup> March, 2025, is arbitrary, unlawful ultra vires, unconstitutional, in contravention with beyond the scope of the Parent Act, i.e., SBCO, 1979, and in violation of the KBTPR-2002, R.2.81, Chapter, 3, Chapter-5, Chapter-17, Chapter-24,25 etc. the principles of natural justice, fair trial and due process of law, hence, unlawful, null and void ab initio forthwith.*
2. *To may declare and direct that the impugned Amendments Notification at relevant time are prima facie as well as ex-facie blatant, deliberate, AND willful flouting to and violations of the categorical Order(s) AND Directives of Apex SC as Orders-in-Rem operative in field till date R/W Orders dated 22.01.2019, in C P 815-K/2016 & CRP 19K of 2017, in Abdul Karim Ansari Vs Nasir Saleem Baig, reported in 2020 SCMR 111 and of the Order of the Larger Bench of Apex SC in CP 9 of 2010, dated 09.04.2021 and 14.06.2021 announced on 28.1.2022, (reported in 2022 SCMR 528), Apex SC Larger Bench in CP 9 OF 2010 in vide Order dated 06.2.2020 and 07.02.2020 in field being self explanatory, hence, impugned Amendment Notification is null and void ab initio without any lawful force or authority.*
3. *To may declare that aforementioned Apex SC Orders are being binding AS OREDERS-IN-REM and are binding across territorial jurisdiction of Karachi Division, within the respective domain(s) of Respondent-1, Respondent-2, Respondent-3 and Respondent-4 and to the Province of Sindh accordingly (U/A 189 & 190, 4,5(2) of the CoP, 1973) by all Public Functionaries, Executive and Judicial Authorities across Province of Sindh including Respondent No.1, 2, 3, 4 and 5 etc., respectively.*
4. *To may declare that impugned Amendments are in contradictions of various provisions of applicable statutes as per their respective*

*domains incl. The Sindh Local Govt. Act, 2013, (Part-II, Op. Entry Sr. Functions, No.32, 33, 34, 35, 36, 37, etc.) The Karachi Notified Strategic Development Master Plan, 2020 (notified as per Apex SC Orders in HRC-6844 of 2006 dated 10.10.2007 R/W Orders of Judicial (Water Commission), The KDA Order, 1957,8.52-A(2), The KDA Zoning Regulations, 1972 etc., The Sindh Environmental Protection Act, 2014, its Regulations, Its Rules, The Sindh High Density Board Development Act, 2010, of CoP,1973, etc., The UN Convention of Civil and Political Rights, The UN Universal Declaration of Human Rights, the UN Charter, The UN Convention on Rights of the Child, The UN Convention against Corruption (to which State of Pakistan is a signatory as State Party R/W FLL-I, 4th Sch, item no.3 & 32 of CoP, 1973, etc.),*

5. *To may declare that the impugned Amendments Notification are in violation of The Fundamental Rights Guaranteed Under Article, 8,9,10A,14,25, as well as the Constitutional Rights U/A 24,3,4,5(2),37,38,227(1), etc. as elaborated in the various Hon'able Apex Supreme Court Orders-in Rem, C.P 815K/2016, and in CONST. P 9 OF 2010 (NAIMATULLAH KHAN ADVOCATE VS, FEDERATION OF PAKISTAN, ETC), also that of 2020 SCMR 111 and 2022 SCMB 528, respectively.*
6. *To may declare and direct that all NoCs issued, conversions allowed, Approved Plans, Construction Permits issued, Completion and Occupancy Certificates issued to any of the owner, occupant, person, entity, builder/Developer, institution, association, Company, body corporate, etc., in context of the impugned Amendment Notification either by Respondent-1, Respondent-2, Respondent-3, Respondent-4, Respondent-5 etc., have no legal value, illegal and are liable to recalled, be cancelled, (via public Notice Ad in 03 x leading newspapers) ab initio forthwith and be treated to restored to their original position of 12<sup>th</sup> March, 2025 forthwith.*
7. *To kindly direct to Respondent-1, Respondent-2, Respondent-3, Respondent-4, and Respondent-5 to ensure compliance of the Apex Court Orders of the Supreme Court in field forthwith without further delay, R/W Notification of SBCA, as Respondent-2, dated 24<sup>th</sup> January 2024, Gazetted as on 02 May 2024, in letter and spirit of the Supreme Court Orders in the field.*

2. The Petitioner has assailed the Notification dated 13.03.2025 issued by Respondent No.2, i.e., Sindh Building Control Authority (SBCA), whereby certain amendments were introduced in the Karachi Building & Town Planning Regulations, 2002 (KBTPR-2002). It is averred by the petitioner the impugned Notification was issued without lawful authority, beyond the scope of the parent law i.e., the Sindh Building Control Ordinance, 1979, and in violation of binding directions of the Hon'ble Supreme Court of Pakistan passed in Constitutional Petition No. 9 of 2010 and C.P. No. 815-K of 2016, whereby conversion of residential properties for commercial use had been restricted and restoration of original land use as per the Master Plan had been directed. He further submits that under the garb of the said impugned Notification, residential properties were allowed to be commercialized, thereby infringing the fundamental rights of the

citizens guaranteed under Articles 9, 10-A, 14 and 25 of the Constitution of the Islamic Republic of Pakistan, 1973. It is also contended that the Notification was not published in the Official Gazette at the relevant time and thus lacked legal sanctity. He prayed to allow the petition.

3. On the other hand, learned counsel appearing on behalf of SBCA submits that the impugned Notification dated 13.03.2025 has subsequently been repealed by the Authority vide Notification dated 13.05.2025, issued in exercise of powers under Section 21-A of the Sindh Building Control Ordinance, 1979. He contends that in view of such repeal, the primary relief sought in the present petitions has become infructuous and the petition has served its purpose and thus liable to be dismissed.

4. However, Petitioner submits that during the interregnum period between issuance of the impugned Notification and its subsequent repeal, actions may have been taken and benefits extended to certain property owners or occupants on the basis thereof. It is therefore prayed that appropriate directions may be issued to ascertain whether any property was commercialized pursuant to the said Notification and, if so, to take necessary corrective measures in accordance with law.

5. Learned counsel for SBCA as well as the learned Assistant Advocate General, in coordination with the Sindh Master Plan Authority, had been directed to place on record the details of any properties which could have been commercialized under the impugned Notification, and in case their stance is in negative, however, nothing has been placed on record by the petitioner to counter claim.

6. We have heard the petitioner who is present in person and learned counsel for the respondents and have also perused the material available on record.

7. Admittedly, the grievance of the Petitioner primarily pertains to the validity and legality of Notification dated 13.03.2025 issued by Respondent No.2, i.e., Sindh Building Control Authority, whereby certain amendments were introduced in the Karachi Building & Town Planning Regulations, 2002 (KBTPR-2002). However, it is an undisputed position that the said impugned Notification has subsequently been repealed by the competent Authority vide Notification dated 13.05.2025, issued in exercise of powers conferred under Section 21-A of the Sindh Building Control Ordinance, 1979.

8. In view of such repeal, the principal relief sought by the Petitioner, which was directed against the validity of the impugned Notification, no longer survives for adjudication and has thus been rendered infructuous. Although the Petitioner has contended that during the interregnum period between issuance and repeal of

the impugned Notification, certain actions may have been taken on the basis thereof, no tangible material has been placed on record to substantiate that any property was in fact commercialized or that any vested rights were created pursuant to the said Notification.

9. Despite opportunity, nothing has been brought on record by the Petitioner to controvert the stance of the Respondents in this regard. In the absence of any specific challenge to an action taken under the repealed Notification, this Court is not inclined to proceed on mere presumptions or conjectures.

10. Accordingly, the instant Petition, having served its purpose upon repeal of the impugned Notification dated 13.03.2025, is dismissed as having become infructuous, along with all pending applications. However, the Petitioner may seek appropriate remedy in accordance with law against any specific action taken under the repealed Notification.

JUDGE

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