

ORDER SHEET  
IN THE HIGH COURT OF SINDH, KARACHI

Constitutional Petition No. S-285 of 2025  
(Gyro Enterprises versus Station House Officer & others)

Date	Order with signature of Judge
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**Date of hearing and order:-16.3.2026**

Mr. Shariq A. Razzaq advocate for the petitioner  
Mr. Ali Safdar Depar, Assistant AG  
Mian Suhail Hussain, respondent No.2, present in person  
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**ORDER**

**Adnan-ul-Karim Memon, J.** The Petitioner claims to be the lawful owner and developer of Commercial Plot No. 4-B, Survey Sheet No. 35-P/1, situated in Maulana Muhammad Ali Jauhar Memorial Cooperative Housing Society, Karachi, measuring 2000 square yards. According to the Petitioner, the plot was originally allotted to Lady Sughra Hidayatullah through an allotment order dated 15.12.1988, and thereafter leased on 26.07.1993 by the Ministry of Housing and Works through the Society in favour of several persons including Muhammad Anis, Altaf Hussain, Mst. Zaitoon Bano, Saima Hasan, Abdul Rahim, Muhammad Yaseen and Sania Ashraf. It is submitted that subsequently certain co-owners relinquished or gifted their shares in favour of Abdul Rahim through registered release deed dated 15.05.2023 and gift deed dated 26.06.2023, as a result whereof the property came to be owned by Muhammad Anis, Abdul Rahim and Muhammad Yaseen. The said owners then entered into a registered partnership deed dated 02.12.2022 with other partners to develop the property through a project titled "Marine Executive." The subject property was made part of the partnership for the purpose of construction in accordance with the Partnership Act, 1932. The Petitioner further submits that it obtained all requisite approvals for the project, including height clearance from the Civil Aviation Authority (14.07.2023), approval of the architectural concept plan dated 26.07.2023, construction approval by the Sindh Building Control Authority dated 09.08.2023, and permission for public sale and advertisement dated 26.12.2023. he added that the Master Plan Department also confirmed through correspondence dated 24.08.2023 that the land use of the subject property is commercial. It is stated that construction was commenced strictly in accordance with the approved plan and the Petitioner also obtained an injunction order dated 28.02.2024 from this Court in Suit No. 207 of 2024, restraining interference in the construction being carried out as per the approved building plan. According to the Petitioner, despite having all lawful approvals, Respondents No. 2 to 6, who claim to be residents of the vicinity, have been illegally interfering with the development of the project. It is alleged that they repeatedly gather outside the construction site, intimidate the

workforce, and attempt to stop the construction. Complaints dated 23.01.2025 and 30.01.2025 were also submitted to the police seeking registration of an FIR, but no action was taken. The Petitioner's counsel contends that such acts are malafide, without lawful authority, and causing financial loss, therefore intervention of this Court is sought to restrain the Respondents from unlawful interference.

2. On the other hand, Respondent No. 2, Mian Suhail Husain, appearing in person, has filed objections and a counter-affidavit denying the allegations of the Petition. He submits that the petition has been filed merely to harass and pressurize the residents of the locality. According to him, Plot No. 4-B was never a commercial plot, rather it historically functioned as an amenity plot on which a school was constructed by Lady Sughra Hidayatullah around 1963-64 for the benefit of residents of the society. He alleges that the present claim of commercialization is the result of manipulation of records and collusion with officials of the Society and SBCA, and that the original record of the plot has allegedly gone missing. Respondent No. 2 further submits that the proposed project is a high-rise development on a narrow residential lane of about 50 feet, which would cause serious problems relating to traffic congestion, water supply, sewerage, electricity load, pollution and public safety for the residents. He also contends that the Petitioner has not obtained the mandatory environmental approvals required under the Sindh Environmental Protection Act, 2014, including an Initial Environmental Examination (IEE). It is also submitted by the Respondent No.2 that even if certain approvals were issued by the SBCA or the Society, such approvals are void ab initio if they violate the residential character of the locality or the applicable building regulations. Reliance has been placed upon several judgments of the Supreme Court of Pakistan concerning illegal commercialization and high-rise construction in residential areas, including cases relating to enforcement of building regulations and protection of amenity spaces. The Respondent denies having harassed the Petitioner and submits that sending a legal notice dated 21.03.2025 was within his legal rights. He maintains that the residents are merely raising lawful objections against an allegedly illegal construction and seeks directions for inspection of the site, verification of records, sealing of the construction, and investigation against officials who granted approvals. Thus, while the Petitioner maintains that it is carrying out lawful construction with all necessary approvals and seeks protection from unlawful interference, the Respondent disputes the legality of the project itself, alleging that the plot is an amenity/residential property and that the approvals obtained by the Petitioner are illegal and contrary to law. He, however states that he has neither caused any harassment to the petitioner nor intends to so in future and seeks the disposal of the petition in those terms. Learned AAG as well as learned

counsel for the petitioner has no objection if this petition is disposed of in the aforesaid terms.

3. In view of the submissions made by the parties, particularly the statement of Respondent No.2 that he has neither caused any harassment to the Petitioner nor intends to do so in future, and the no-objection expressed by the learned AAG as well as the learned counsel for the Petitioner to the disposal of the petition in those terms, it appears that the core grievance raised in the present petition pertains to the alleged harassment and interference in the development activities at the subject property.

4. Accordingly, the statement of the parties is taken on record and they are bound by the same. It is expected that neither the petitioner, Respondent nor any person acting on their behalf shall cause harassment, intimidation or unlawful interference to each other. However, at the same time, the Petitioner shall also ensure that no act is committed on its behalf which may cause disturbance, nuisance or harassment to the residents of the locality subject to all just exception, as provided under the law.

5. It is clarified that this Court has not examined or adjudicated upon the legality or otherwise of the construction being carried out on the subject property, the nature or status of the plot, or any alleged violation of building regulations, environmental laws or planning requirements. Any grievance with regard to the construction, alleged encroachment upon amenity land, violation of building regulations, or any other ancillary issue shall be raised before and decided by the competent authority, Court or forum in accordance with law.

6. The present proceedings are confined only to the issue of alleged harassment and interference raised in this petition. With the above observations, the petition along with pending application(s) stands disposed of in the above terms.

JUDGE