

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
C.P No.D-117 of 2026
(Dr. Zaituna Yasmeeen Shah versus Province of Sindh & others)

Date	Order With Signature Of Judge
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Before:
Mr. Justice Adnan-ul-Karim Memo
Mr. Justice Abdul Mobeen Lakho

Date of hearing and order : 20.01.2026

Mr. Shahab Imam, advocate for the petitioner.
Mr. Dhani Bux, advocate for SBCA.
Syed Waseem Raza, advocate for respondents No.4 and 6,
Ms. Nazia Siddiqui, advocate for KDA

ORDER

Adnan-ul-Karim Memon, J. – Through this petition, the petitioner has filed this petition under Article 199 of the Constitution of the Islamic Republic of Pakistan 1973 seeking the following relief(s):-

- i. Declare that the intended demolition and reconstruction of House No.19, Karsaz Town Houses, Block-5, Clifton, Karachi by the respondent No.4 to 6 is *illegal and unlawful, being in violation of lease terms of the house, against regulation 18-4.2 of the Karachi Building & Town Planning Regulations, 2002, as well as violative of petitioner's fundamental rights guaranteed under Articles 4, 9, 9A, 23 and 24 of the Constitution of the Islamic Republic of Pakistan 1973;*
- ii. *Direct the respondents No.2 and 3 to take immediate appropriate action on the petitioner's complaints made against the private respondents and redress her genuine grievance;*
- iii. *Restrain the respondents No.4 to 6, their agents, servants and all persons acting on their behalf from carrying out any demolition, excavation or construction work at House No.19, Karsaz Town Houses, Block-5, Clifton, Karachi in any manner that compromises the shared structural elements, foundations, utility ducts or overhead water tank, r that otherwise endangers the petitioner's property or life.*

2. The case of the Petitioner is that she is the lawful owner and resident of House No. 20, Karsaz Town Houses, Plot FL-12, Block-5, Clifton, Karachi, which is structurally integrated with adjoining House No. 19, owned by Respondents No. 4 to 6. It is submitted that both units share foundations, columns, slabs, partition walls, vertical service ducts, and essential utilities, including water, gas, sewerage, and electrical lines. Any unauthorized demolition or excavation at House No. 19 would seriously compromise the structural integrity of the Petitioner's property. It is urged that the Karsaz Town Houses were built in 1983 as a uniform, contiguous scheme of 20 residences. However, Respondent No. 4 has already demolished and reconstructed House No. 01 as an apartment building.

Respondents now intend to demolish and reconstruct House No. 19 in a similar manner, without approved building plans, demolition permission, soil investigation, or structural stability certificates. Petitioner's complaints to SBCA, KDA, and local police regarding illegal construction and threats by Respondent No. 6 have been ignored.

3. Learned counsel for the Petitioner submitted that House No. 20 shares foundations, walls, slabs, and service ducts with House No. 19, and that the proposed demolition or excavation of House No. 19 poses an imminent risk of structural collapse, loss of utilities, and destruction of open space, light, air, and other environmental amenities. He contended that the SBCA and KDA have failed to take any action to prevent the illegal construction despite detailed complaints, amounting to an abdication of their statutory duties, leaving the Petitioner with no alternate legal remedy. Learned counsel further submitted that the proposed construction violates the lease terms governing subdivision, easements, use, and mandatory service ducts, thereby risking non-conforming development and structural overload. He added that House No. 19 is being converted into apartments without approval for change of land use, contrary to Regulation 18-4.2 of the KBTP Regulations, 2002. He emphasized that interference with the shared utilities including water, gas, and sewerage creates a grave threat to life, health, and safety, in violation of Articles 9 and 9A of the Constitution. In support, he relied on the decisions in Sayeed A. Sheikh v. Siddiq & another (1990 CLC 628), where construction affecting an adjoining property was restrained, and Yaqoob Ahmad v. Messrs Jason Construction & others (1989 CLC 739), which restrained unauthorized construction violating approved plans causing irreparable injury. Learned counsel submitted that the illegal actions of the Respondents, coupled with the inaction of the official Respondents, constitute violations of fundamental rights including Article 4 (protection of law), Articles 9 & 9A (life, liberty, and clean environment), and Articles 23 & 24 (right to property, acquisition, and protection against unlawful deprivation). He lastly stated that the complaint pertains to the alleged encroachment of House No. 19, Karsaz Town Houses, Block-5, Clifton, Karachi, by builders Haji Usman and Zubair Ali, and that although an application was filed before the DG SBCA, no action has yet been taken.

4. SBCA, in its comments, stated that the matter involves illegal demolition. The owner submitted a proposed building plan for construction of Ground + 2 floors along with a demolition permission, which was later found to be forged. Consequently, SBCA issued a notice dated 16.01.2026,

sealed the premises on 19.01.2026, and withdrew the previously approved building plan.

5. Counsel for respondents No.2 and 4 clarified that there is currently no intention to demolish the property, which remains subject to final approval by the competent authority.

6. We have heard the learned counsel for the parties and perused the record with their assistance.

7. Prima facie, the Petitioner's House No. 20 is structurally integrated with House No. 19, sharing foundations, walls, slabs, and essential utilities. The proposed demolition and reconstruction of House No. 19 prima facie poses an imminent risk of structural collapse, disruption of utilities, and loss of light, air, and environmental amenities. The proposed construction also prima facie violates lease terms, approved plans, and KBTP Regulations, subject to verification by the SBCA. Relying on the cases of Sayeed A. Sheikh v. Siddiq & another (1990 CLC 628) and Yaqoob Ahmad v. Jason Construction & others (1989 CLC 739), it is clear that courts can prevent irreparable injury. Accordingly, the unauthorized actions, coupled with official inaction, prima facie endanger the Petitioner's property rights.

8. In view of the facts and circumstances of the case, no demolition shall take place until proper approval is granted by the competent authority, in accordance with all conditions in the building plan and lease documents.

9. The petition stands disposed of in the above terms along with pending application(s).

JUDGE

JUDGE