

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD.
C.P.No.D-1582 of 2017

DATE	ORDER WITH SIGNATURE OF JUDGE
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16.12.2025.

Mr. Raza Ali, Advocate.
Mr. Muzammil Bughio, advocate for SBCA along with Sajid Iqbal Deputy
Director SBCA.
Mr. Rafique Ahmed Dahri Assistant Advocate General, Sindh.
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This petition was disposed of vide order dated 05.05.2021 with the following
observations:-

“In the given circumstances, these petitions are disposed of with strict directions to SBCA to demolish the building to bring it in conformity with the approved building plan where compulsory open spaces from both the sides are to be left out. It is also worth mentioning that misuse of the compulsory open spaces is not compoundable under the SBCA regulations, therefore, no leniency and compoundability question arises. Let a compliance report be filed with the Additional Registrar of this Court within a period of 07 days. The Deputy Director in attendance undertakes to comply with the above directions within the given period, failing which, appropriate action will be taken against him. Copy of this order be also sent to SSP Hyderabad over fax with directions to provide full assistance to SBCA authorities for demolition of above building(s).”

Being aggrieved by and dissatisfied with the aforesaid order, respondent No.6 filed review application (M.A. No.4149 of 2021) on the ground agitated in the review application. The matter was taken-up on 28.10.2021 and was adjourned with the observation that approved layout plan and stability of structure and outcome of compliance report to the effect whether the deviations in the structure of the subject building as pointed out by the competent authority of SBCA are compoundable or

otherwise under the Sindh Building Control Ordinance, Rules & Regulations. Thereafter, matter was taken up and vide order dated 04.11.2021, passed the following orders:-

“3- This matter was taken-up on 28.10.2021 and was adjourned for today to find out the deviations in the approved layout plan and stability of structure and outcome of compliance report to the effect whether the deviations in the structure of the subject building as pointed out by the Competent Authority of SBCA are compoundable or otherwise under the Sindh Building Control Ordinance, Rules & Regulations.

4- At this stage, the respondent No.6, who is present in person, has agreed to refer the matter on the subject point to Dr. Syed Salam Mubeen (Assistant Professor), Department of Civil Engineering, NEDUET, Karachi or any other Assistant / Professor, to be nominated by the Vice Chancellor of NED University Karachi for analyzing the approved layout plan and stability structure of the subject property and to find out the deviations therein, if any.

5- Prima facie, the proposal seems to be reasonable. Let Vice Chancellor of NED University Karachi nominate any Assistant / Professor, Department of Civil Engineering, NEDUET, Karachi, to analyze the subject issue and submit his report within one (01) month from the date of receipt of this order positively. The fees of the nominee shall be borne by the respondent No.6 which shall be determined after submission of his report in sealed envelope.

Let notice be issued to the Vice Chancellor NED University Karachi for compliance.”

Today, learned A.A.G has submitted report by the SBCA, which reads as under:-

“1) 01-12-2025 The site report is hereby submitted in compliance to order dated 18-01-2028 passed by this Honourable High Court. It is submitted that, the proposed building plan of Basement + Ground+4 storied, private commercial building over amalgamated commercial Plot No.C/356, Block-D, Unit No.06, Taluka Latifabad Hyderabad was approved vide permission No.RD/SICA/Hyd (Reg)/L-39 dated 04-11-2016 in favour of Mr. Muhanimad Waseem S/o Abdul Majeed & others on the basis of NOC of P&DC HDA and NOC of HMC & WASA HDA.

2) That, during the site inspection, the compulsory open spaces were found not to be left out by builder, which was in violation against the approved building plan approved by SBCA.

3) That, this office has taken all safety measures before the continuation of demolition work and a so issued warning notices to the builder. While the builder neither replied to the letters / notices nor complied to the direction of SBCA. to remove those violations by himself in light of that order passed by Honourable High Court, Hyderabad.

4) That, in compliance to the orders of this Honourable Court dated 16-04-2022, the SBCA has attempted the demolition action and removed illegal construction over cds at site, only the staircase were leftover there for approaching towards upper floors. Hence, the RCC structure B+G+4 storied is existing on site.

5) That, a notice is received by SBCA, from Honourable Supreme Court of Pakistan in respect of C.P No.2152 of 2022 filed by M/s. Waseem Builders & Developers v/s Syed Muneer Hassan Rizvi & others in which the respondents were directed to maintain status quo.

6) After that, an order issued by Honourable Supreme Court of Pakistan dated 16-02-2023, which is re-produced as under:-

"In these circumstances, with the concurrence of learned counsel for respondent No.1 in whose constitution petition the order was passed and the learned counsel for the petitioner both the orders dated 05-05-2021 as well as 16-04-2022 are set aside being not maintainable under the law. It is observed that the all government functionaries are expected to perform their duties in accordance with law. Both the parties will be at liberty to initiate any proceeding in accordance with their cause of action before the appropriate forum. With the concurrence of parties, this petition is converted into an appeal and allowed in the above terms".

7) In the light of such order, the respondent No.6 submitted his completion building plan for approval of B+G+4 storied (Pvt Comm), over Plot No.356, Block-D, Unit No.06, Taluka Latifabad, Hyderabad by the Competent Authority.

8) Thereafter, after scrutiny and legal opinion by the Senior Panel Advocate of this Authority (SBCA) the case was approved vide/permission No.SBCA/HYD(REG)/DD(Latifabad)/Completion/2024/L-32 dated 31-12-2024 by recovering govt usual charges."

Learned counsel for the petitioner seeks time to go through the aforesaid report.

Time is allowed.

To come-up on 22.01.2026.

JUDGE

JUDGE

Ahmed/Pa