

ORDER SHEET  
IN THE HIGH COURT OF SINDH, KARACHI

Constitutional Petition No. D-3853 of 2026  
(*Mansoor Akbar versus Province of Sindh and others*)

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| Date | Order with signature of Judge |
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Before:-

Mr. Justice Adnan-ul-Karim Memon

Mr. Justice Muhammad Jaffer Raza

**Date of hearing & order: 06.8.2026**

Mr. Abad-ul-Hasnain advocate for the petitioner.

Mr. Dhani Bux Lashari and Manzoor Hussain Abro, advocates for SBCA.

Ms. Saima Anjum, advocate for respondent No.4/TMC Chanesar Town.

Mr. Ch. Arif, advocate for KMC.

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**ORDER**

**Adnan-ul-Karim Memon, J.** Through the instant petition, Petitioner prays that this Court to declare the acts and omissions of the Respondents as violative of the Petitioner's fundamental rights guaranteed under Articles 4, 9, 10-A, 23, and 25 of the Constitution. He further prays that the Respondents may be directed to forthwith remove and dismantle the illegal billboard/hoarding unlawfully affixed to the wall of the Petitioner's private property without his consent or lawful authority, restore the property to its original condition, and repair the damage caused due to such illegal installation. It is further prayed that the Respondents, their agents, or any person acting on their behalf may be restrained from reinstalling or making any further encroachment upon the Petitioner's property through billboards, hoardings, or advertisement panels. He also seeks appropriate compensation for the damage, inconvenience, and unlawful interference caused to the Petitioner.

2. Learned counsel for the Petitioner submits that the Petitioner is the lawful and recorded owner of 85% share in property bearing No. 215/1-A, Block-2, PECHS, Karachi, which originally belonged to his late mother and devolved upon the legal heirs. He submits that in order to settle the rights of the heirs, the Petitioner instituted Civil Suit No.1472 of 2019 before this Court, wherein all legal heirs except the Petitioner's sister entered into a compromise. The compromise application was partially decreed by this Court, pursuant to which the Petitioner remained in possession of the major portion of the property. Learned counsel further submits that the Nazir of this Court inspected the premises and confirmed the possession of the respective legal heirs, wherein the Petitioner was found in possession of the major portion of the property; however, he has subsequently been dispossessed, for which appropriate proceedings are already

pending before this Court. Learned counsel contends that, without the consent, knowledge, or authorization of the Petitioner, officials of the Town Administration/KMC, in connivance with private advertising agencies, unlawfully installed a billboard/advertisement panel on the external wall of the Petitioner's private property. It is argued that during the installation, the officials drilled holes, affixed iron structures, and caused substantial damage to the wall, thereby interfering with the Petitioner's proprietary rights and causing permanent defacement and structural weakening of the property. Learned counsel submits that the impugned billboard was installed without any lawful notice, permission, or authority and amounts to illegal trespass upon private property. He further submits that despite repeated complaints made by the Petitioner to the concerned municipal authorities, including the Town Municipal Officer, Advertisement Department, and Revenue authorities, no action has been taken and the illegal structure continues to remain affixed, demonstrating negligence and failure on the part of the Respondents to perform their statutory obligations. Learned counsel further submits that the installation of billboards and hoardings in violation of the judgments of the Honourable Supreme Court of Pakistan is impermissible, as the Apex Court has already directed removal of hazardous billboards and advertisement structures. He argues that such structures pose a serious threat to public safety and violate the fundamental rights guaranteed under Articles 9 and 14 of the Constitution, as they endanger life, security, dignity, and peaceful enjoyment of property. It is further contended that the Respondents, being public authorities, are constitutionally bound under Articles 189 and 190 of the Constitution to implement and act in aid of the judgments and directions of the Honourable Supreme Court. Their failure to remove the illegal billboard amounts to disregard of constitutional obligations and failure to protect the rights of citizens. Learned counsel submits that the acts of the Respondents have infringed the Petitioner's fundamental rights guaranteed under Articles 4, 9, 10-A, 23, and 25 of the Constitution, and therefore, this Court may direct immediate removal of the illegal billboard, restoration of the damaged property, and restrain the Respondents from making any further encroachment upon the Petitioner's property. In view of the above, learned counsel for the Petitioner prays that the petition may be allowed and the Respondents may be directed to forthwith dismantle and remove the illegal billboard/hoarding installed on the Petitioner's property, restore the premises to their original condition, and provide appropriate relief for the damage caused due to their unlawful actions.

3. After arguing the matter at some length, learned counsel seeks directions to the respondents to decide his various applications about the criminal trespass and willful damage to the property, illegal installation of a billboard in violation

of the Supreme Court ban, corruption by KMC officials and defiance of the decree passed by this Court.

4. The Counsel for respondent No.4 / TMC Chanesar has filed a statement and submits that a status quo order has been obtained by private respondents in Civil Suit No.1476/2026, therefore, no further action can be taken until and unless the status quo order is vacated by the concerned Court. However, she undertakes that so far as the applications moved by the petitioner is concerned, the same shall be decided within 15 days' time.

5. In view of the submissions made by learned counsel for the Petitioner and the statement furnished on behalf of Respondent No.4/TMC Chanesar, it appears that the grievance of the Petitioner primarily relates to alleged illegal installation of a billboard upon his private property, causing damage to the structure, as well as inaction on the part of the concerned authorities despite repeated applications moved by him. However, since the Respondent No.4 has brought on record that a status quo order has already been passed by the competent Civil Court in Civil Suit No.1476/2026, the municipal authorities are legally restrained from taking any action contrary to the said order unless the same is modified or vacated by the concerned Court.

6. The constitutional jurisdiction of this Court under Article 199 of the Constitution is discretionary and is ordinarily exercised to ensure that public authorities perform their statutory obligations in accordance with law.

7. In the present case, the controversy regarding the legality of the billboard installation, alleged damage to the property, and other connected factual disputes require determination by the competent forum after examination of relevant material and evidence. This Court, therefore, while exercising constitutional jurisdiction, cannot adjudicate disputed questions of fact or issue directions in conflict with an operative order passed by a competent Civil Court.

8. Nevertheless, the authorities cannot remain inactive or avoid deciding the lawful grievances of the Petitioner. The Respondent No.4, being a public authority, is under a statutory obligation to consider and decide the applications/complaints submitted by the Petitioner through a reasoned and speaking order, strictly in accordance with law, while keeping in view the subsisting status quo order passed by the Civil Court.

9. Accordingly, without expressing any opinion on the merits of the allegations raised by the Petitioner, and with the consent of the parties present in court, the petition is disposed of with directions to Respondent No.4/TMC Chanesar to decide the pending applications of the Petitioner within fifteen (15)

days from the date of receipt of this order, after providing an opportunity of hearing to all concerned persons, if required under law. The decision so taken shall be communicated to this Court through MIT-II of this Court.

JUDGE

JUDGE

Shahzad Soomro