

ORDER SHEET  
IN THE HIGH COURT OF SINDH KARACHI

**Const. Petition No. D-2473 of 2026**

(AM Associates and another v. Government of Sindh through Chief  
Secretary, Sindh and others)

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Date	Order with signature(s) of Judge(s)
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**Present:**

**Mr. Justice Muhammad Saleem Jessar**  
**Mr. Justice Nisar Ahmed Bhanbhro**

Hearing of case

1. For orders on CMA No.10894/2026
2. For orders on office objections
3. For orders on CMA No.10351 of 2026
4. For orders on CMA No.10355/2026
5. For orders on CMA No.9942/2026
6. For hearing of CMA No.9941/2026
7. For hearing of CMA No.9943/2026
8. For hearing of main case

07-05-2026

Mr. Salahuddin Ahmed, Advocate for the petitioners assisted by  
M/s Atif Rafiq Choudhry, Advocate, Neha Makhdoom and  
Muzzamil Iqbal, Advocates

Mr. Jawwad Dero, Advocate General Sindh alongwith  
M/s. Saifullah Khan, AAG and M/s Faizan Ahmed Memon, AAG  
M/s. Jehanzeb Awan and Shahan Karimi, Advocates for  
Respondent No.7

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Petitioner through instant petition has prayed for the following  
relief:-

- A. Direct the de-sealing of the project site located at Aladin Park,  
Main Rashid Minhas Road, Block-11, Gulshan-e-Iqbal, Karachi  
and restrain the official Respondents from interfering into the  
possession and usage of the project site and the Lot-2 site;
- B. Restrain the official Respondents from interfering with the usage  
and utilization or removal of the Petitioners' stocks including but  
not limited to the steel, construction material, motor vehicles,  
trucks, machinery, furniture and fittings, shuttering etc.;
- C. Restrain the Respondents from directly or indirectly from carrying  
on any works on the project of Lot 2 awarded to the Petitioners  
and from initiating any bidding/tender process in relation to the  
same;
- D. Direct the Nazir of this Honourable Court to make the inventory  
of the entire stocks of the Petitioners including but not limited to  
steel, construction material, motor vehicles, trucks, machinery,  
furniture and fittings, shuttering etc. lying at the project site and  
determine the actual works completed by the Petitioners on the  
Lot-2 Mosmiat to Numaish of BRT Project under the contract;
- E. Costs of the petition;

- F. Grant such other relief as may be fit and proper in the facts and circumstances of the case.

We have heard the arguments of the parties at length and perused the material available on record.

For the reasons to follow and subject to any modification or alteration(s) in the detailed order instant petition is being *disposed of* in the following manner:-

- i. The petitioner had obtained 10 acres of land near Aladin Park on Rashid Minhas Road, Block-11, Gulshan-e-Iqbal, Karachi on rental basis through order dated 21.07.2022 issued by the Senior Director Zoo Safari and Recreation, KMC for a period of 3 years. The land was rented out against six months payment of Rs.3,146,000/- for establishment of Camp office, labour accommodations, material yard and batching plants for Karachi Bus Rapid Transit Red Line Project. The tenancy period of three years expired on 20.07.2025 therefore through final notice dated 06.04.2026 KMC demanded possession of the land within seven days. On failure to handover the land, the Commissioner Karachi was requested by KMC to retrieve the possession and accordingly on 20.04.2026 possession of the land was taken over alongwith the machinery and other material and handed over to KMC. Since possession of the land now lies with KMC and petitioner has not arrayed owner of the property as party to the proceedings therefore no *writ* can be issued against a person who is not party in the proceedings.
- ii. Since the Revenue Authorities had acted under the directives of KMC for retrieval of possession, for which due notice was given to the petitioner, as such the petitioner if aggrieved by an action of the Authority had a remedy under the provisions of Sindh Public Property (Removal of Encroachment) Act, 2010 to file a review petition, or as the case may be, to approach the concerned Tribunal.
- iii. While retrieving possession of the property machinery of the petitioner was also sealed. Since KMC or even the Trans Karachi has not claimed any right of the ownership of the machinery therefore the actions of the Authorities of sealing the machinery at the behest of KMC is declared illegal. However, if the Trans Karachi is of the view that in terms of clauses 17, 18 and 19 of the contract agreement the machinery is required by them they may approach the Dispute Resolution Board for retaining the machinery and in case the Board fails to decide the request of the Trans Karachi within thirty days' time the machinery shall be handed over to the petitioner as per endorsement of the Commissioner appointed by this Court, and inventory prepared by him.

- iv. As far as the contract on Bus Rapid Transit (BRT) is concerned, Employer Trans Karachi has already given a contract termination notice to the petitioner contractor and in terms of the contract agreement the same falls within the contractual dispute to be resolved by the Dispute Resolution Board or through Arbitration. The petitioner company shall be at liberty to avail the remedies available under the contract agreement.
- v. Since the contract was awarded to the petitioner company to an estimated cost of Rs. 16 billion and per the statement of learned Advocate General, Sindh that an amount of Rs.15 billion has already been disbursed to the contractor, the Trans Karachi shall be at liberty to claim the delay and defect liability payments against each other through mechanism provided under the contract agreement and *vice versa* if petitioner has any grievance in that regard.
- vi. Since it has been informed that the contract of the petitioner company has been terminated and the public in Karachi was/is suffering badly due to the bad condition of the University road, the Government of Sindh is directed to ensure that the University road is made full functional within a period of two months from the date of the order and there shall be no hindrance of any manner for the public and private transport on the University road. For that reason Government of Sindh may earmark additional funds directly or through re-appropriation.
- vii. As far as BRT is concerned, it is expected that as per the timeline given to the Court, i.e. October, 2027, the BRT shall be made functional within the said period. However, it is made clear that the construction of BRT shall not in any manner effect smooth flow of traffic on the University road.

Office is directed to send copy of this order to the respondents and the Chief Secretary, Sindh as well as Secretary Local Government for compliance. Learned MIT-II to ensure compliance.

Judge  
Head of const. Benches

Judge