

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
Constitutional Petition No. D – 1101 of 2022

Date	Order with signature of Judge
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Priority.

1. For orders on CMA No.14045/2022.
2. For orders on CMA No.24428/2022.
3. For orders on Nazir report dated 30.05.2022.
4. For orders on Nazir report dated 17.05.2022.
5. For hearing of CMA No.5429/2022.
6. For hearing of main case.

30.09.2026.

Mirza Nazim Baig, Advocate for the Petitioners.
Mr. Khursheed Jawed, Advocate for KDA.
M/s. Dhani Bux Lashari, Kazi Amanullah and Imran Munawar Mehar,
Advocates for SBCA.
M/s. Haris Rashid and Saddam Hussain Memon, Advocates for
intervenors.
Mr. Rafique Ahmed Bhanboro, Advocate for Master Plan Department.
Mr. Zohaib Zulfiqar Sarki, A.A.G.

Through the instant petition, learned counsel appearing on behalf of the Petitioners has contended that the Mosque Bab-e-Shamsi Masjid has been raised illegally without any requisite permission from the Respondent/SBCA. He has further sought directions for the said Mosque to be demolished and for the 20 feet wide lane to be restored.

Learned counsel appearing on behalf of SBCA has furnished a report, which is taken on record. Perusal of the report reveals that the subject Mosque consists of ground floor only measuring approximately 1195 square yard and the same was duly approved by the competent authority for the purpose of Mosque. It has been further contended in the report as well as learned counsel for SBCA that the Mosque has been constructed in accordance with the approved building plan and there is no violation. Learned counsel for the SBCA has correctly contended that the subject encroachment of road/land is to be dealt with under the provision of the Sindh Public Property (Removal of Encroachment) Act, 2010, and the encroachment, if any, is outside the Mosque.

After perusing the report, we have specifically confronted the learned counsel for the Petitioners to identify the illegality of the construction of the said Mosque. Learned counsel failed to reply satisfactorily and only reiterated his earlier submissions, which were vague and incoherent.

In view of the above, no case for interference under the Constitutional jurisdiction is made out and the petition along with pending applications is dismissed, with the caveat that Respondent/SBCA shall take action in accordance with the law in case there is any violation in the future.

JUDGE

JUDGE

Nadeem Qureshi *PA*