

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C. P. NO. D-5443 / 2026
(Mr. Muhammad Mushtaq Qureshi v. Province of Sindh & another)

Date	Order with signature of Judge
	Before:- Mr. Justice Riazat Ali Sahar Mr. Justice Ali Haider ‘Ada’

Date of hearing & order: 14.10.2026

Mr. Shariq A. Razzak, Advocate for the Petitioner.
Mr. Abdul Jalil Zubedi, Additional Advocate General Sindh.
Mr. Dhani Bux Lashari, advocate for SBCA.

ORDER

Riazat Ali Sahar, J The petitioner has approached this Court alleging unlawful interference by the officers of respondent No. 2 with construction being carried out on two adjacent plots bearing Nos. 2272 and 2273, situated in Pir Illahi Bux Cooperative Housing Society, Karachi.

2. Learned counsel for the petitioner submits that the petitioner holds title documents in respect of both plots, duly obtained demolition NOCs and separate construction permits dated 18.05.2026 and 14.05.2026, respectively, for construction in accordance with the approved building plans. It is contended that the officials of respondent No. 2 threatened to halt construction and demolish the structures without issuing any notice or identifying any specific violation of the approved plans.

3. Learned counsel for the SBCA submitted that the petitioner has failed to implead Pir Illahi Bux Cooperative Housing Society Limited, whose presence is necessary for adjudication of issues relating to the approved layout plan, setbacks, amalgamation of the adjacent plots and compliance with the Society's bye-laws. He further contended that the petitioner has approached this Court without first submitting any formal representation to respondent No. 2. The visit dated 21.08.2026 was a routine inspection, and no show-cause notice or final adverse order had been issued and mere apprehension of future action does not warrant constitutional interference. He further contended that respondent No. 2 is legally empowered to inspect construction and verify compliance with sanctioned building plans under the Sindh Building Control Ordinance, 1979 and the petitioner's claim of compliance requires verification, and no blanket restraint can be imposed upon the Authority's lawful functions. He further contended that in the absence of any final adverse order, permanent restraint against statutory

inspection or lawful enforcement is unwarranted and respondent No. 2 undertakes to proceed strictly in accordance with law if any violation is detected. He lastly prayed to dismiss the petition as premature and not maintainable; alternatively, direct the petitioner to submit a formal representation and implead the Society, or dispose of the petition while preserving SBCA's authority to proceed in accordance with law.

4. We have heard learned counsel for the parties and examined the material available on record.

5. The petitioner claims to have obtained separate construction permits for both subject plots, whereas respondent No. 2 maintains that it is entitled to verify compliance with the sanctioned building plans in exercise of its statutory powers. The objection regarding non-joinder of Pir Illahi Bux Cooperative Housing Society Limited merits consideration, particularly in view of the issues relating to the approved layout plan, setbacks and possible amalgamation of the adjacent plots. However, the matter can be appropriately addressed by impleading the Society, if its presence is found necessary for effective adjudication. The mere apprehension of coercive action, in the absence of any formal notice or adverse order, does not justify restraining respondent No. 2 from exercising its lawful regulatory powers. Nevertheless, any action against the petitioner must be taken strictly in accordance with the applicable law and prescribed procedure.

6. Accordingly, respondent No. 2 / the Director General, Sindh Building Control Authority, is directed to examine the petitioner's grievance and verify compliance with the sanctioned building plans. In the event of any violation, the Authority shall issue notice to Pir Illahi Bux Cooperative Housing Society, Karachi, through its representatives, afford a proper opportunity of hearing to the petitioner and all other concerned parties, and thereafter take appropriate action and decide the matter in accordance with law.

7. **The petition is disposed of in the above terms.** It is clarified that no opinion is expressed on the merits of the petitioner's title or the legality of the construction, and respondent No. 2 shall remain at liberty to take lawful action in the event of any established violation.

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