

IN THE HIGH COURT OF SINDH, KARACHI

C. P. NO. D-1186 / 2024

(Shehroz Waheed Vs. Government of Sindh & Others)

Present:

Mr. Justice Adnan-ul-Karim Memon

Mr. Justice Muhammad Jaffer Raza

PRIORITY

- 1) For orders on office objection No. 20 & 26.
- 2) For hearing of CMA No. 5542/2024.
- 3) For hearing of main case.

13.08.2026.

Mr. Naveed Ahmed Abbasi, Advocate for Petitioner.

Mr. Zohaib Sarki, Additional Advocate General Sindh.

M/s. Dhani Bux Lashari, Amanullah & Rehana, Advocates
for Respondents.

Adnan-ul-Karim Memon, J. The Petitioner Shehroz Waheed has filed this Petition under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973 for the following reliefs: -

- “a) To immediately prevent the private Respondents No.4&5 from raising further illegal construction for commercial activities on two residential plots, upper floors, shops, Ballroom, without getting approval plan and map from SBCA on (1) Residential Plot No.1/4, Block 3-C, Nazimabad No.3, admeasuring 422 Sq. yards, Liaquatabad Town, Karachi and on (2) Residential Plot No.12/36, Block 3-H, Nazimabad No.3, admeasuring 133 Sq. yards, Liaquatabad Town, Karachi, and if anything is found without approval plan and map from SBCA and in violation of Karachi Building and Town Planning Regulations 2002, same may be ordered to be demolished
 - a) To direct the Respondents No.4&5 not to commit violation of Mandatory Provisions of "Karachi Building and Town Planning Regulations 2002" and to follow all relevant Rules including rules of Sindh Building Control Authority.
 - b) To pass an ad-interim order directing the Respondents No.4&5 who are owners/Builders of both residential Plots to immediately stop raising illegal for commercial activities and illegal commercial and excess construction of portions on (1) Residential Plot No.1/4, Block 3-C, Nazimabad No.3, admeasuring 422 Sq. yards, Liaquatabad Town, Karachi and on (2) Residential Plot No.12/36, Block 3-H, Nazimabad No.3, admeasuring 133 Sq. yards, Liaquatabad Town, Karachi, plots, illegal upper floors, without approval plan and map from SBCA.
2. The petitioner’s counsel submitted that Respondents No.4 and 5 had unlawfully converted their residential plots in Nazimabad into commercial premises and were raising unauthorized high-rise constructions, shops, mezzanine floors and other structures without approved building plans from the Sindh

Building Control Authority (SBCA), in violation of the Karachi Building and Town Planning Regulations, 2002. He further contended that the illegal construction was causing inconvenience to neighboring residents and adversely affecting their privacy, safety and residential environment. Despite complaints and legal notices, the respondents allegedly failed to stop the construction, compelling the petitioner to invoke the constitutional jurisdiction of the Court and seek restraint and demolition of any construction found to be unauthorized. He prayed to allow this petition.

3. On behalf of SBCA, it was submitted that in respect of the 422-square-yard plot, an approved building plan already existed for Basement + Ground/First Floor shops and Second to Fourth Floor offices, while a revised plan for an additional fifth floor had subsequently been submitted. However, the owner had completed the Basement + Ground + four upper floors and fixed the shuttering for the fifth floor, in addition to covering the required open spaces and making unauthorized projections, for which SBCA had issued a show-cause notice dated 08.04.2024. As regards the 133-square-yard residential plot, SBCA reported that no approved plan was available on record, although construction comprising Ground-floor shops, mezzanine and two upper residential floors had been raised; consequently, a notice under Section 7-A of the SBCA, 1979, was issued on 09.04.2024, with further action to follow.

4. We have heard the parties on the subject issue.

5. Based on the material placed before this Court, the petition appears to involve unauthorized construction and alleged commercialization of residential plots, coupled with the alleged failure of the concerned regulatory authority to effectively enforce the applicable building-control laws. Since SBCA has already acknowledged violations and has initiated proceedings through show-cause notices, the matter can appropriately be resolved through regulatory enforcement rather than direct judicial supervision of construction activity.

6. The constitutional petition is disposed of alongwith pending application(s) with directions to SBCA to process and monitor the matter through its Smart Complaint Redressal Mechanism (SCRM).

7. SBCA should conduct a fresh, physical inspection of both properties, verify the sanctioned building plans, actual construction, land use, covered/open spaces, number of floors, projections and commercial use, and determine whether the construction conforms to the Karachi Building & Town Planning Regulations, 2002 and other applicable laws. In respect of the 422-square-yard plot, SBCA

should specifically determine the legality of the completed Basement + Ground + four floors and the proposed fifth floor, including the alleged encroachment upon mandatory open spaces and unauthorized projections. In respect of the 133-square-yard plot, where SBCA has reported that no approved plan is available, the authority should determine the legality of the Ground-floor shops, mezzanine and two upper floors and take action strictly in accordance with law.

8. The SCRM mechanism may be utilized and the petitioner's complaint shall be registered/linked with the existing SCRM complaint; an inspection shall be conducted by the competent SBCA officer; photographs, approved plans, notices and inspection reports shall be uploaded to the complaint record; the owners/builders shall be afforded an opportunity of hearing; and a reasoned and speaking decision shall thereafter be passed within a specified period. If any construction is found unauthorized or in violation of the applicable regulations, SBCA shall proceed for stoppage, sealing, alteration/removal or demolition, as legally warranted, after following the prescribed procedure. The SCRM portal should thereafter reflect the action taken and final status, enabling the petitioner to monitor compliance. This Court further directs that no further construction or commercial activity in violation of the sanctioned plan shall be permitted during the pendency of the proceedings before SBCA, subject to the authority's lawful determination.

9. Accordingly, with the above directions, leaving the technical and factual determination to SBCA while retaining the petitioner's/parties right to seek appropriate legal remedy in case of non-compliance or failure to decide the complaint in accordance with law.

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