

ORDER SHEET
IN THE HIGH COURT OF SINDH, Karachi
Constitutional Petition No. D-2937 of 2026
(*Aqeel Ahmed versus Province of Sindh & others*)

Date	Order with signature of Judge
------	-------------------------------

Mr. Justice Adnan-ul-Karim Memon
Mr. Justice Muhammad Jaffer Raza

Date of hearing and decision: 24.8.2026

Nemo for the petitioner.

Barrister Zohaib Zulfiqar Sarki, Additional AG

Mr. Amanullah, Advocate for the respondent / SBCA

ORDER

Adnan-ul-Karim Memon, J. The petitioner, a resident of Darus Salam Housing Society, Korangi Crossing, Karachi, has filed the instant constitutional petition against the alleged illegal construction being carried out by respondent No.3 on Plot No.A-27, measuring 400 square yards, Sector 31-F. He contends that the area is designated as a purely residential locality under the approved layout plan, where commercial activities and multi-storey commercial buildings are not permissible, and that respondent No.3 is constructing shops and a multi-storey commercial building without obtaining the requisite approval/building plan from the Sindh Building Control Authority (SBCA).

2. The petitioner alleges that respondent No.3, in collusion with respondent No.4/Darus Salam Housing Society, has encroached upon the open space of the street, causing obstruction, reduced sunlight and fresh air, traffic congestion, noise pollution and other hardships to the residents. He submits that despite objections raised by the residents and an application submitted to the SBCA, no effective action has been taken to stop the construction. The petitioner also alleges that respondent No.3 threatened him when he and other residents requested that the illegal construction be stopped. According to the petitioner, a similar commercial use of residential plots in the locality, namely establishment of a marriage hall, had previously been demolished pursuant to directions of the Supreme Court. The petitioner maintains that the continued construction is in violation of the approved layout plan and applicable SBCA rules and regulations and is adversely affecting the residential environment and fundamental rights of the residents. He therefore seeks restraining orders against respondent No.3 from carrying out further commercial construction or creating any third-party interest in the property, directions to respondents No.1 and 2 to take lawful action and demolish the alleged illegal construction, and directions to respondent No.4 to enforce the applicable rules and approved layout plan.

3. Today, none present on behalf of the petitioner. This was the position on the previous date of hearing and time was allowed to the Sindh Building Control Authority (SBCA) to file comments.

4. Learned counsel, representing the SBCA submits that the issue needs to be resolved through the Smart Complaint Redressal Mechanism (SCRM), therefore, this petition may be disposed of.

5. In view of the submissions made on behalf of the Sindh Building Control Authority and the availability of the Smart Complaint Redressal Mechanism (SCRM) for redressal of the petitioner's grievance, no further intervention under Article 199 of the Constitution is warranted at this stage.

6. The allegations regarding unauthorized commercial construction, violation of the approved layout plan, encroachment upon the street/open space and absence of requisite approval involve factual matters which are, in the first instance, to be examined by the competent authority in accordance with law.

7. Accordingly, the petition is disposed of with the direction that, if the petitioner approaches the SBCA through the SCRM, his complaint shall be entertained and decided strictly in accordance with the applicable law, rules and policy, after providing an opportunity of hearing to all concerned. The competent authority shall independently examine the legality of the construction and take appropriate action, if any violation is found. The petition, along with pending application(s), if any, stands disposed of accordingly.

JUDGE

JUDGE