

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI

Constitutional Petition No. D-2211 of 2026
(*Sardar Ali versus Province of Sindh and others*)

Date	Order with signature of Judge
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Before:-

Mr. Justice Adnan-ul-Karim Memon

Mr. Justice Muhammad Jaffer Raza

Date of hearing & order: 21.8.2026

M/s Muhammad Nawaz Kubar & Syed Kashif Ali Shah, advocate for the petitioners.

Ms. Nazia Siddiqui, advocate for KDA.

Mr. Ali Safdar Depar, AAG along with SIP Asghar Cheema, PS Gulistan-e-Johar.

ORDER

Adnan-ul-Karim Memon, J. The petitioner has invoked the constitutional jurisdiction of this Court under Article 199 of the Constitution, challenging the alleged illegal construction/encroachment by Respondent No.7 over the common passage/Compulsory Open Space (COS) of Abdullah Heights and seeking its removal and restoration of the common area.

2. Learned counsel for the respondents submitted comments stating that, upon site inspection near Flat No. E-01, Abdullah Heights, it was found that the occupant had constructed a room within the COS in violation of the applicable building laws. It is added that a Show Cause Notice under Section 7-A of the SBCO, 1979, was already issued on 13.01.2026. SBCA has sought one week's time to demolish the unauthorized construction and submit a compliance report through MIT-II.

3. When confronted with this legal position of the case to the counsel for the petitioner, he submits that the case may be kept pending till demolition takes place.

4. In view of the above, and without dilating upon the merits of the case of the parties, and particularly the report of the SBCA confirming the construction within the Compulsory Open Space and the issuance of Show Cause Notice under Section 7-A of the SBCO, 1979, no useful purpose would be served by keeping the petition pending. The competent authority is, however, required to proceed with the matter strictly in accordance with law and to bring the proceedings to their logical conclusion without unnecessary delay by hearing all concerned within two weeks.

5. Accordingly, the petition is disposed of with the direction that SBCA shall conclude the proceedings pursuant to the Show Cause Notice dated 13.01.2026 and, if the construction is found unauthorized, shall take appropriate action for its removal/demolition in accordance with law within two weeks. The DG, SBCA, shall ensure compliance.

A copy of this order be communicated to the DG, SBCA, for information and necessary action.

JUDGE

JUDGE

Shahzad soomro