

IN THE HIGH COURT OF SINDH, KARACHI

C. P. NO. D-2574 / 2026

(Sami Saleem Vs. Province of Sindh & Others)

Present:

Mr. Justice Adnan-ul-Karim Memon

Mr. Justice Muhammad Jaffer Raza

Date of hearing and order:- 18.08.2026.

Mr. Irfan Aziz, Advocate for Petitioner.
Mr. Abdul Jalil Zubedi, Assistant Advocate General Sindh.
Mr. Khurram Ghiyas, Advocate for Respondent (SMPA).
M/s. Ghulam Akbar Lashari, Amanullah & Dhani Bux Lashari,
Advocates for Respondent (SBCA).

Adnan-ul-Karim Memon, J. The Petitioner Sami Saleem has filed this Petitions under Article 199 of the Constitution of Islamic Republic of Pakistan seeking the following reliefs: -

- “a) Declare that the construction raised by Respondent No.5 at Plot No. D-72/2, Sector-12, Orangi Town, Karachi is illegal, unauthorized, unapproved, dangerous, and in violation of the Sindh Building & Town Planning Regulations.
- b) Direct Respondents No.2 and 3 to immediately inspect, seal, and demolish all illegal and unauthorized portions of the structure strictly in accordance with law, and to submit a compliance report before this Court.
- c) Restrain Respondent No.5 from carrying out any further construction, selling any portion of the premises, or allowing occupation thereof, till final disposal of this Petition and compliance with approved building regulations.
- d) Direct Respondents No.2, 3 and 4 to initiate and conclude legal proceedings, penalties, and criminal action against Respondent No.5 and any officials responsible for negligence, connivance, or failure to perform their statutory duties.”

2. The Petitioner, is a Field Reporter of an Anti-Crime for Human Rights Organization, has invoked the constitutional jurisdiction of this Court under Article 199 of the Constitution against unauthorized and hazardous construction at Plot No. D-72/2, Sector-12, Orangi Town, Karachi. It is alleged that Respondent No.5 has constructed Ground plus First Floor and is completing the Second Floor without any sanctioned building plan, completion plan, structural design, NOC or permission from the competent authorities. Photographs of the construction have been annexed as Annexure-A.

3. The Petitioner’s counsel states that the construction is wall-to-wall, without mandatory open spaces, setbacks and safety margins, thereby posing serious risks to the life, property and security of neighboring residents and

obstructing ventilation, fire safety and emergency access. Despite a legal notice dated 11.03.2026 served upon Respondent No.5 and the DG, SBCA, no effective action has allegedly been taken. The concerned authorities, particularly Respondents No.2 to 4, are stated to have failed to discharge their statutory duties to inspect the premises, stop the unauthorized construction, seal the property and take proceedings in accordance with the applicable building laws. The Petitioner's counsel contends that such inaction is arbitrary and amounts to failure to enforce the law, while the hazardous construction infringes the fundamental rights guaranteed under Articles 4, 9, 14, 23 and 25 of the Constitution. It is further asserted that the continued construction poses an imminent threat to public safety and property and that no other adequate and efficacious remedy is available to the Petitioner. The Petitioner, therefore, seeks directions to the competent authorities to inspect and seal the premises, demolish the unauthorized portions in accordance with law, restrain Respondent No.5 from carrying out further construction or creating third-party interests, and initiate appropriate legal proceedings against the person(s) responsible for the illegal construction and against any officials found negligent or in connivance.

4. The learned counsel for SBCA without filling comments submitted that the petition is based on mere assertions and photographs, without any authenticated material establishing that the construction at Plot No. D-72/2, Sector-12, Orangi Town, Karachi is unauthorized or hazardous. It may be contended that SBCA, being the competent statutory authority, is duly empowered to inspect the premises and take action against any violation of the applicable building laws, and that no allegation of mala fide, discrimination or deliberate inaction can be attributed to its officials without supporting evidence. The Petitioner, being neither the owner nor an immediate affected person, also has no vested right to seek demolition without first establishing the alleged violations through proper inspection and proceedings. SBCA may further submit that any action regarding sealing, demolition or prosecution can only be undertaken strictly in accordance with the prescribed procedure and after affording the concerned person an opportunity of hearing, and therefore the sweeping directions sought by the Petitioner are premature and legally unsustainable. Accordingly, the petition, being founded on unsubstantiated allegations and seeking direct intervention in matters falling within the statutory domain of SBCA, is liable to be dismissed.

5. In view of the submissions made by learned counsel for the parties, the nature of allegations raised in the petition, and the fact that the alleged unauthorized construction requires factual verification by the competent statutory

authority, this Court is of the view that the matter is appropriately dealt with by the Director General, Sindh Building Control Authority (SBCA), in accordance with law.

6. Accordingly, the instant petition is remitted to the Director General, SBCA, who shall examine the grievance of the petitioner regarding the construction raised at Plot No. D-72/2, Sector-12, Orangi Town, Karachi, through the prescribed mechanism/SOPs, after conducting necessary inspection and verification of the sanctioned building plan, structural design, NOCs, completion plan and other relevant record.

7. The Director General, SBCA shall provide an opportunity of hearing to all concerned persons, including the petitioner and Respondent No.5, and thereafter pass a speaking and reasoned decision strictly in accordance with law and the applicable building regulations/SOPs. In case any violation or unauthorized construction is found, appropriate action shall be taken in accordance with law. The entire exercise shall be completed within a period of 45 days from the date of receipt of a copy of this order.

8. Without touching the merits of the case, the petition is accordingly disposed of in the above terms, with no order as to costs.

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