Order Sheet

IN THE HIGH COURT OF SINDH AT KARACHI

CP No.D-6973 of 2026

(Syed Muhammad Shahabudin Soharwardi v. Province of Sindh and others)

Date	Order with signature of Judge

Before:

Mr. Justice Riazat Ali Sahar

Mr. Justice Ali Haider 'Ada'

1. For orders on Misc. No.27775/2026
2. For orders on offi ce objection no.1 & 2
3. For orders on Misc. No. 27776/2026
4. For orders on Misc. No. 27777/2026
5. For hearing of main case

Date of hearing & order: 02.11.2026

Mr. Muhammad Waqas Hussain, advocate for the petitioner

ORDER

Riazat Ali Sahar, J. Through the instant constitutional petition, the Petitioner, resident of House No. B-49, Karsaz Road, KDA Scheme No. 1, Karachi, invokes Article 199 of the Constitution. He alleges that his neighbour, Respondent No.2, is running round-the-clock commercial activity at the adjacent residential House No. B-50 and carrying out construction without sanctioned plans and that the official Respondents, particularly the SBCA (Respondent No.3), have not acted on his complaints. He seeks a declaration of illegality, directions to seal and demolish, a restraint against Respondent No.2, and an explanation from the officials for their inaction.

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

The petition rests on disputed questions of fact: whether commercial activity is actually carried on, whether it runs for 24 hours, what the plot's lease or land use is, whether any approval exists, and whether the construction is unauthorised. The only material is undated photographs, with no inspection report, SBCA record, lease, allotment, sanctioned plan or land-use document. The petition itself describes the plot as "allotted/leased" and the construction as lacking approval "if any", which shows the Petitioner does not know its legal status. This Court cannot record evidence or hold an inquiry in constitutional jurisdiction, and without such documents no declaration of illegality can be made.

For unauthorised construction and misuse of the plot, the Sindh Building Control Ordinance, 1979 empowers the SBCA to inspect, issue notices, stop work, seal and demolish, with a hearing for the owner and appeal or revision forums. The Petitioner sent his legal notice on 22.08.2026, complained on 25.08.2026, and filed this petition soon after the seven-day period expired. He did not approach the SBCA's higher officers or any appellate forum. A short delay on one complaint does not show these remedies are inadequate or exhausted. There is no material to show that the SBCA has finally refused or rejected the Petitioner's complaints.

No case for interference is made out. Instant petition is ***dismissed in limine*** along with pending application(s), with no order as to costs.

JUDGE

JUDGE

Nadir*