HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

C.P. No.D-1335 of 2021

[Nek Muhammad Jakhrani and others vs. Federation of Pakistan and others]

Before:

JUSTICE ADNAN-UL-KARIM MEMON
JUSTICE MUHAMMAD JAFFER RAZA

Petitioners:	Petitioner No.1 in person
Federation:	Through Mr. Ghulam Abbas Sangi Assistant Attorney General
Province of Sindh:	Through Mr. Rafique Ahmed Dahri Additional A.G Sindh
Respondent-WASA	Through Mr. Zulfiqar Ali Korai advocate
Respondent-HDA Respondent-SBCA	Through Mr. Asif Ali Bughio advocate Through Mr. Muzzamil Bughio advocate
Respondent-HESCO	None present
Respondent-SSGCL	None present
Respondent-Waqar Builders:	None present
Date of hearing	02.11.2026
Date of Decision	02.11.2026

O R D E R

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ADNAN-UL-KARIM MEMON J The petitioners, residents and allottees of Golden Town Housing Scheme, Bypass Hatri, Hyderabad, have filed the instant Constitution Petition seeking provision of basic amenities and development facilities in the scheme.

2. Petitioner No.1 is present in person contend that respondent No.14, M/s Waqar Builders & Developers, launched the scheme by promising roads, electricity, gas, water, drainage, mosque, Eidgah, parks, playground, school and dispensary, pursuant to which the petitioners purchased plots through registered sale deeds and constructed their houses. However, despite receiving the consideration, the developer failed to provide the promised facilities and instead occupied reserved amenity plots for keeping livestock and poultry and sold part of the scheme land, including an entrance gate. It is submitted that despite repeated requests to the developer and official respondents, no remedial action was taken. They, therefore, seek directions for provision of basic amenities, legal action

against the developer and initiation of appropriate proceedings for alleged fraud and cheating.

3. The official respondents disputed the petitioners' entitlement to the claimed relief, contending that only a limited number of houses have been constructed in the scheme, while most plots remain vacant. They further stated that a mosque, entrance gate, electricity and play area are available, and that the petitioners constructed houses without obtaining approved building plans and approached the wrong forum.

4. SBCA maintained that the grievances did not pertain to it and that no complaint had been submitted to its office. However, counsel adds that as and when the approach is made, the competent authority will address the issue with speaking order after hearing the parties.

5. SSGC, however, clarified that gas supply arrangements were proposed in 2019, but the sponsor failed to deposit the required share of Rs.4,609,112 and the internal distribution cost of Rs.12,874,496. The earlier planning was subsequently cancelled, and revised planning was undertaken in 2021; however, the scheme could not proceed due to the Government-imposed moratorium on extension of the domestic gas network.

6. In view of the foregoing facts and submissions, it appears that the petitioners have raised a genuine grievance regarding the non-provision of basic amenities in Golden Town Housing Scheme despite having purchased plots and constructed their houses on the basis of representations made by the private developer, in such circumstances the competent authority shall look into this aspect of the case by hearing the petitioners.

7. The stance of SSGC further reveals that although gas supply arrangements were initially proposed, the sponsor failed to deposit the requisite amounts, resulting in cancellation of the earlier planning, while subsequent planning could not proceed due to the Government-imposed moratorium. Similarly, the availability of certain facilities, as claimed by the official respondents, does not by itself establish that all essential amenities promised at the time of launching the scheme have been provided.

8. However, the allegations of misuse of amenity plots, illegal sale of scheme land and failure to provide development facilities involve disputed questions of fact requiring examination of the approved layout plan, development obligations and relevant record, such aspect needs to be addressed by the competent authority.

9. This Court, in exercise of its constitutional jurisdiction, cannot undertake such factual inquiry or substitute itself for the competent regulatory authorities.

Nevertheless, the public authorities cannot remain indifferent to the legitimate grievances of the residents.

10. Accordingly, the petition merits disposal with a direction to the competent authorities of the respondents to jointly examine the petitioners' grievances, verify the approved layout plan and development obligations of the sponsor, and take appropriate action strictly in accordance with law after providing an opportunity of hearing to all concerned. The aforesaid exercise shall be completed within two months.

11. The private developer is not in attendance; however, he shall also be required to fulfil his lawful obligations towards the allottees if not earlier done so.

12. The petition is, therefore, disposed of in the above terms, without expressing any opinion on the merits of the disputed factual allegations.

JUDGE

JUDGE

Sajjad Ali Jessar