HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

C.P. No.D- 2006 of 2025

[Pakistan Airport Authority vs. Federation of Pakistan and Others]

Before:
JUSTICE ADNAN-UL-KARIM MEMON
JUSTICE MUHAMMAD JAFFER RAZA

Petitioner:	By Mr. Blosh Ahmed Junejo, Advocate
Respondent No.3	By M/s Ayaz Hussain Tunio and Rizwan Akhtar,Advocates
Respondent No.4	By Mr. Maqsood Ali Jatoi, Advocate
Respondent No.9 (SBCA)	By Mr. Asif Ali Bughio, Advocate, along with Sajid Iqbal, Deputy Director, SBCA.
Official respondents	By M/s Ghulam Abbas Sangi, Assistant Attorney General, and Rafique Ahmed Dahri, Additional A.G Sindh.
Date of hearing	03.11.2026
Date of Decision	03.11.2026

O R D E R

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ADNAN-UL-KARIM MEMON J:- The petitioner, Pakistan Airports Authority, has filed the instant Constitutional Petition seeking directions against unauthorized construction within the 15-kilometre radius of Hyderabad Airport, in violation of Rule 68 of the Civil Aviation Rules, 1994, and for disclosure of relevant approvals and removal of structures falling within the restricted clearance area. The petitioner alleges that respondent No.3 has undertaken unlawful construction without obtaining the requisite NOC.

3 learned counsel for the petitioner alleges that despite repeated notices, respondent No.3 continued construction.

4. The learned counsel for the Respondent No.3, however, disputes the allegations and relies upon the approvals granted by the competent authority and documents furnished before this Court.

5. Pursuant to the Court's directions, a Commissioner inspected the site and submitted a report confirming ongoing construction of the boundary wall and academic block, while recording the rival claims regarding the boundary and land overlap. The report also noted that the proposed building is approximately 51 feet high and situated about 4,136 feet from the runway, without expressing any opinion on its legal conformity with aviation regulations.

6. During the course of arguments, the parties have mutually agreed to dispose of the petition in terms of the undertaking furnished by respondent No.3 in paragraph-4 of its application under Order XXXIX Rule 4 CPC, whereby it has undertaken to obtain the requisite NOC under Rule 68 of the Civil Aviation Rules, and an excerpt of MA No.6973/2026 is reproduced herein under:-

> *"4. That respondent No. 3 (HITMS) is already fully prepared and proactively taking steps to secure the standard NO OBJECTION CERTIFICATE" (NOC) pursuant to Rule 68 of the Civil Aviation Rules, which involves coordination with the PCAA and the Sindh Building Control Authority, Rules 1994. This facilitation Control Authority (Respondent No. 9) crucially, this NOC pertains exclusively to the approximately 34 Acres of land that fall entirely outside any restricted operational area or Jurisdiction claimed by the Petitioner, Respondent No 3. Unconditionally undertakes to place the formal NOC on record before this Honorable Court immediately upon its administrative issuance by the relevant authorities."*

7. Accordingly, the petition is disposed of by consent in terms of the aforesaid undertaking, without touching the merits of the case. The parties shall be at liberty to avail other remedies available under the law in respect of remaining disputes as raised in the pleadings. Pending applications also stand disposed of in the said terms.

JUDGE

JUDGE

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