

IN THE HIGH COURT OF SINDH AT KARACHI

C.P. No.D-1858 of 2008

Date	Order with signature of Judges
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For direction.

For further orders.

(Nazir report, objection, compliance report and statement filed as flagged)

(Order forwarded)

27/11/2020:

Mr. Bashir Ahmed Khan, Advocate for the petitioner.

M/s. Anwar Ali Shah and Khurram Ghayas, Advocates for Respondents No.1 and 2.

Chaudhry Muhammad Saleemuzzaman Khan, Advocate for Respondent No.3.

Mr. Miran Muhammad Shah, Addl. Advocate General Sindh.

The instant petition entails the proposed amalgamation of certain plots, for which purpose the relevant parties have already apparently deposited the requisite fee with the Nazir of this Court. However, on query posed today as to which agency/authority is competent to decide on the subject, we have been informed by counsel in attendance on behalf of Sindh Building Control Authority (the "SBCA") that the function of master planning is no longer within its domain, and has been assigned to a separate Master Plan Authority in terms of a notification issued in that regard. We have observed that similar statements have been made from time to time in other matters that have previously come-up before this Bench where the subject of Master Planning had been involved, without there being clarity as to legal status, if any, of the

Master Planning Authority, and the law under which it has been constituted and operates. Even today, counsel for the Respondents Nos.1 and 2 were unable to come-up with a satisfactory response. We then also sought the assistance of the Additional Advocate General Sindh, who was present in Court in relation to other cases, however, he frankly conceded that no legislation has ensued in the matter and there is merely a notification whereby the Master Plan Office/Department has been carved out of the SBCA as a separate authority. Needless to say, the constitution/formation of an Authority has to have the backing of law, however, neither the learned AAG nor the other counsel in attendance were able to further assist as to which Act or Ordinance the aforementioned Notification had been issued under. However, the learned AAG stated that the matter fell within the domain of the Secretary, Local Government. Under the circumstances, in order to facilitate proper examination of the matter, we would seek the assistance of Advocate General Sindh, who should appear on the next date. Let notice also be issued to the Secretary, Local Government, Government of Sindh and Senior Director, Master Planning Department for their personal appearance in Court alongwith the relevant record. Office is directed to communicate a copy of this order to all three of the above functionaries for their information and compliance.

Adjourned to 08.12.2020.

JUDGE

JUDGE