

ORDER SHEET
**IN THE HIGH COURT OF SINDH,
CIRCUIT COURT, HYDERABAD.**

C.P No.D-2939 of 2017

DATE	ORDER WITH SIGNATURE OF JUDGE(s)
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1. For orders on office objection.
2. For hearing of M.A No.12406/17.
3. For hearing of M.A No.13054/17.
4. For hearing of main case.

05-12-2019.

Mr. Ayatullah Khuwaja, Advocate along with the petitioner.

Mr. Zaheeruddin Sahito, Advocate for SBCA alongwith Mr. Sajid Iqbal (Asst. Director SBCA, Hyderabad) and Younus Khan (Deputy Director SBCA Hyderabad).

Mr. Allah Bachayoo Soomro, Addl. Advocate General, Sindh.

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Statement dated 05.12.2019 along with several annexures have been filed by learned counsel for the petitioner which are taken on record.

Learned counsel for the petitioner and SBCA as well as Deputy Director and Assistant Director, Sindh Building Control Authority, Hyderabad, have been heard at considerable length. It appears that construction comprising ground plus first floor was approved in respect of the subject plot where after second and third floor were constructed thereon without approval of SBCA. Subsequently, when SBCA was about to initiate action against such illegal construction, the petitioner submitted an application for approval of the said second and third floors. Through its letter dated 25.08.2016 (page 33), SBCA informed the petitioner that his application and documents were examined and the same were returned with direction to comply with the conditions stipulated in the aforesaid letter by submitting documents specified therein. It is stated on behalf of the petitioner that compliance was made, but this assertion has been denied by Deputy Director of SBCA. Be that as it may, the petitioner, who is present in Court, undertakes to comply with all the directions and conditions of SBCA within fifteen (15) days from today. Upon submission of all such documents within the specified period, SBCA shall examine and scrutinize the same and shall decide the application / case of the petitioner for approval of proposed plan through a speaking order within thirty (30) days from submission of such documents. In case of any objection and/or further requirement, the same shall be communicated

by SBCA to the petitioner in writing. It is clarified that if any of the documents required by SBCA is not furnished by the petitioner, SBCA shall be at liberty to take action against unauthorized second and third floors of the subject building in accordance with law.

By consent, the petition and listed applications stand disposed of in the above terms with no order as to costs.

JUDGE

JUDGE

Fahad Memon