ORDER SHEET

IN THE HIGH COURT OF SINDH AT KARACHI

Constitution Petition No. *D – 1178* of 2023

Date	Order with signature of Judge

FRESH CASE

1. For orders on Misc. No. 5613/2023.
2. For hearing of Main Case.
3. For orders on Misc. No. 5614/2023.
4. For orders on Misc. No. 5615/2023.

13.04.2023:

Mr. Irfan Aziz, advocate for the petitioner.

Through instant petition, the petitioner has alleged that respondent No. 3 is raising illegal and unauthorized construction on three different plots in Nazimabad No.5, however, nothing has been placed on record to substantiate such contention, whereas, it appears that petitioner has not approached the relevant authorities, including the Sindh Building Control Authority (SBCA) for the purposes of obtaining approved building plan or pointing out the violation in the impugned construction, and has directly invoked constitutional jurisdiction of this Court under Article 199 of the Constitution to probe into such allegations.

Since, there is no material whatsoever has been produced to substantiate the allegations of unauthorized illegal construction by the respondent No.3 on four different plots as detailed in para 3 of petition, therefore, we are not inclined to invoke constitutional jurisdiction merely on the basis of generalize allegations of illegal construction in the absence of any material without approaching the relevant forum i.e. Sindh Building Control Authority to obtain relevant information/documents or by intimating the alleged violations.

Accordingly, instant petition being misconceived, is hereby dismissed in limine alongwith all listed applications. However, petitioner is at liberty to approach the relevant forum/authority as may be available in this regard, obtain necessary information/documents and to point out the violations, if any, however, in case of any illegality or violation of building regulations or approved building plan in the impugned construction and inaction by the respondents, petitioner may seek further remedy in accordance with law.

JUDGE

JUDGE

A.S.