

ORDER SHEET

IN THE HIGH COURT OF SINDH AT KARACHI

Constitution Petition No. D – 1382 of 2023

Date	Order with signature of Judge
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Fresh Case

1. *For orders on Misc. No. 6725/2023.*
2. *For orders on Misc. No. 6726/2023.*
3. *For hearing of Main Case.*
4. *For orders on Misc. No. 6727/2023.*

14.03.2023:

Mr. Umar Sikandar, advocate for the petitioner.

1-4. After hearing the learned counsel at some length and from perusal of record, it appears that without placing on record and document, including approved building plan or any correspondence with the SBCA regarding alleged violations, petitioner has impugned the construction being raised on a commercial plot, pursuant to proposed plan, which has been attached.

Instant petition appears to be premature as the petitioner instead of approaching the relevant authorities for obtaining the certified copies of the approved building plan and/or to file objections, if any, has directly approached this Court under Article 199 of the Constitution, with a request to issue notices conduct an inquiry into the allegations. An aggrieved party has to make out a prima facie case, while disclosing lawful cause of action through undisputed facts and sufficient material, requiring this Court to invoke the extraordinary constitutional jurisdiction under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973. Learned counsel for the petitioner has failed to make out a case, which is accordingly dismissed in limine alongwith all listed applications. However, petitioner is at liberty to approach the

relevant authorities for obtaining necessary certified copies of approved building plan of the impugned construction, in accordance with law and thereafter, in case of any grievance pursuant to such material, may seek further relief, in accordance with law.

It is, however, clarified that dismissal of instant petition will not provide any sanction to the impugned construction, whereas, the SBCA authorities are at liberty to examine the allegations to ensure that no unauthorized illegal construction shall be allowed to be raised on any plot(s), except in accordance with law and as per approved building plan(s).

Let copy of this order be sent to the Director General, SBCA for information and compliance.

JUDGE

JUDGE

A.S.