

ORDER SHEET

IN THE HIGH COURT OF SINDH AT KARACHI

Constitution Petition No. D – 1245 of 2023

Date	Order with signature of Judge
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FRESH CASE

1. For hearing of Main Case.
2. For orders on Misc. No. 5895/2023.
3. For orders on Misc. No. 5896/2023.

13.04.2023:

Mr. Khalid Mehmood Tanoli, advocate for the petitioner.

Through instant petition, the petitioner has alleged that respondent No. 7 is raising illegal and unauthorized construction on a residential Plot bearing No.C-57/1, Block 1, Gulistan-e-Johar, Scheme 36, Karachi, where, according to learned counsel for the petitioner, ground + two floors with two separate units on each floor are being raised, whereas, according to petitioner, there is permission for ground + one floor only on the subject area, however, from the perusal of the photograph attached with instant petition, it appears that construction of ground + 1 has been raised, whereas, it is not clear that as to whether the subject plot has been bifurcated or two separate units are constructed thereon. It further appears that petitioner has not approached the relevant authorities (SBCA) for the purposes of obtaining approved building plan or pointing out violation, if any, by the respondent, and has directly approached this Court with aforesaid allegations while invoking constitutional jurisdiction under Article 199 of the Constitution, whereas, such allegations, prima facie are not supported by any material

Accordingly, instant petition being misconceived is hereby dismissed in limine alongwith all listed applications. However, petitioner is at liberty to approach the Sindh Building Control Authority for ascertaining the facts and to obtain copy of approved building plan, and if any violation is made by respondents may file appropriate proceedings, as may be available to the petitioner as per law.

JUDGE

JUDGE

A.S.