

ORDER SHEET

IN THE HIGH COURT OF SINDH AT KARACHI

Constitution Petition No. D – 1736 of 2023

Date	Order with signature of Judge
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FRESH CASE

1. For orders on Misc. No. 8627/2023.
2. For orders on Misc. No. 8628/2023.
3. For hearing of Main Case.
4. For orders on Misc. No. 8629/2023.
5. For orders on Misc. No. 8630/2023.

06.04.2023:

Mr. Munaf Memon, advocate for the petitioner.

1-5. Learned counsel for the petitioner submits that the petitioner, *who is the resident of House No. D-51, Block 4, Federal B. Area, Karachi*, has expressed his grievance against unauthorized illegal construction by respondent No. 12, of second floor of Plot No.D-50/1, Block 4, Scheme 16, Federal B. Area, Karachi without approved building plan, whereas, according to learned counsel, in the subject area, ground + 2 structure cannot be constructed.

Learned counsel for the petitioner was inquired to assist as to whether the petitioner has approached the relevant authorities for ascertaining the aforesaid facts and to verify as to whether any approval has been obtained by the respondent No.12 for raising such construction, in response, he submits that he has not approached the relevant authority for such purpose, however, recently a letter has been written to the Director General, SBCA for taking appropriate action against respondent No.12 for unauthorized construction, but no action has been taken so far by the respondents, therefore, instant petition has been filed.

From perusal of the record, it appears that petitioner without even ascertaining the facts regarding

approved or otherwise for construction on the subject plot, has only enclosed a letter dated 27.03.2023 addressed to the D.G. SBCA to the aforesaid effect, which reflects that neither any reference to the relevant laws/regulations nor any specific violation appears to have been pointed out by the petitioner, except the allegations of unauthorized construction and nuisance created by the respondent. It has been further alleged that respondent No.12 will sale out the subject property by creating portions. It further appears that grounds agitated through instant petition are different from the grounds, as stated in the aforesaid letter, which reflects that even facts have not been truly stated, whereas, petitioner has not waited for reply or the action taken by the SBCA, in accordance with law.

Accordingly, instant petition appears to be misconceived and premature, which is dismissed in limine alongwith listed applications. However, petitioner will be at liberty to approach the SBCA for redressal his grievance, if any, in accordance with law, who shall look into the matter and in case there is any violation of law, rules or regulations in the impugned construction, appropriate action shall be taken after notice, in accordance with law.

JUDGE

JUDGE

A.S.