

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
Const. Petition No.D-7900 of 2022

<i>Date</i>	<i>Order with signature of Judge</i>
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Priority

1. For orders on Nazir's report.
2. For orders on office objection.
3. For hearing of Misc. No.33535/2022 (Stay)
4. For hearing of main case.

17.01.2024:

Petitioner Syed Arif Raza Rizvi present in person.
Mr. Sami Ahsan, advocate for the respondents
No.9 & 10.
Ms. Humaira Jatoi, advocate for
respondent/SBCA.
Mr. Saifullah, AAG.

Learned counsel for the respondent/SBCA has referred to the Nazir report and comments filed on behalf of the respondent/SBCA, wherein, it has been stated that since the subject plot was commercialized, whereafter, approval was obtained from the SBCA and construction has been raised in accordance with law, therefore, instant Constitutional Petition is misconceived and liable to be dismissed. Learned counsel for the respondents No.9 & 10 supports the contention of the learned counsel for respondent/SBCA and submits that prima-facie, there is no violation in the impugned construction, which has been raised as per approved building plan in accordance with law, however, in case of any violation, respondent / SBCA will take appropriate action in accordance with law.

While confronted with hereinabove position as stated by the learned counsel for the respondents, which also reflects from the Nazir report and comments filed on behalf of the respondent/SBCA, learned counsel for the petitioner submits that since the Secretary, Ministry of Housing and Works/respondent No.5 does not issue the Commercial Lease, therefore, impugned construction could not be raised on the subject plot. Since the subject matter of instant petition pertains to the allegations

regarding unauthorized and illegal construction without approved building plan, which, prima-facie, is contrary to the facts in view of the comments filed on behalf of the respondent/SBCA, we are not inclined to examine this aspect of the matter in the instant case, whereas, in case of any violation or deficiency with regard to issuance of Commercial Lease, petitioner is at liberty to approach the relevant forum by filing a complaint to this effect, who may decide this aspect in accordance with law.

Accordingly, petition stands disposed of in the above terms along with listed application.

CHIEF JUSTICE
JUDGE

Nadeem