

ORDER SHEET
IN THE HIGH COURT OF SINDH
CIRCUIT COURT MIRPURKHAS

Constitutional Petitioner No.D-348 of 2024
(*Abdul Nasir Khan Vs. Province of Sindh & others*)

DATE	ORDER WITH SIGNATURE OF JUDGE (S)
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Before
Adnan-ul-Karim Memon, J.
Amjad Ali Bohio, J.

Date of hearing and Order: 12.08.2024

Mr. Kanji Mal Meghwar advocate a/w petitioner.
Mr. Nadeem Abbasi advocate for respondent No.2.
Mr. Ayaz Ali Rajpar Additional Advocate-General, Sindh.

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ORDER

Adnan-ul-Karim Memon, J. In compliance with the order dated 07.12.2016 Commissioner Mirpurkhas Division Mirpurkhas submitted a report with the narration that the projects were/are approved under Karachi Building & Town Planning Regulation 2002 (KPTR 2002) and Sindh Building Control Ordinance (SBCO) 1979/82.

2. Learned counsel for the petitioner contended that the windows of the building of private respondents open towards Ibne Rushd Girls College Mirpurkhas, which is vulnerable to the privacy of girls students, which is apparent from the report of Deputy Commissioner.

3. On December 7, 2016, the Court directed the Commissioner of Mirpurkhas Division to form a committee to inspect high-rise buildings in Mirpurkhas City. The committee was to be comprised of representatives from the District Administration, Works & Services Department, Public Health Engineering Department, Sindh Building Control Authority, and Municipal Committee, Mirpurkhas. The committee's task was to conduct a physical survey of high-rise buildings and submit a report with specific details. The findings of the committee are as under:-

Committee Findings:

- The committee inspected 16 multi-story buildings and submitted its report on December 19, 2016.
- The report detailed various aspects of the buildings, including drainage, water supply, plot details, approved floors, and construction status.

- The committee concluded that the buildings were approved according to Karachi Building & Town Planning Regulation 2002 (KPTR 2002) and Sindh Building Control Ordinance (SBCO) 1979/82.
- The buildings were equipped with car parking, lifts, generator rooms, and 8-foot-wide arcades.

4. Essentially, the court ordered a building inspection, a committee was formed, the committee inspected and reported on 16 buildings, and the aforesaid report prima facie indicates compliance with building regulations. However, the Commissioner Mirpurkhas shall endeavor to co-operate with the officials as directed by this Court vide Order dated 22-12-2016 so that no violation shall take place and if, the same is found, an appropriate action in terms of Article 204 of the Constitution of Islamic Republic of Pakistan shall be taken against all the delinquents.

5. In view of the above, the instant petition is disposed of leaving the petitioner to file appropriate application, in the present proceedings, if any violation of the Orders passed by this Court is found on the part of official respondents.

JUDGE

JUDGE

Ali Sher