

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

CP D 1067 of 2025

DATE	ORDER WITH SIGNATURE OF JUDGE
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1. For order on Misc. No.5475/2025
2. For order on office objection No.1, 15 & 19
3. For order on Misc. No.5476/2025
4. For order on Misc. No.5477/2025
5. For hearing of main case

18.03.2025

Mr. Zulfiqar Ali, advocate for the petitioner

1. Granted. 3. Granted subject to all just exceptions. 2,4&5. Per learned counsel, an amenity plot, *ST Plot No.12, Clifton Block-5, Do-Talwar, Adjacent to Emerald Tower, Karachi*, is being used as a sports facility, *Cross Court by Legends Arena*, hence, such usage may be declared to be unlawful.

At the very onset, learned counsel was called upon to identify the law / regulation proscribing such activity and the entitlement to seek direct recourse to writ jurisdiction. Learned counsel remained unable to assist on either count.

An amenity plot is defined in Regulation 2-7 of the Karachi Building & Town Planning Regulations 2002 ("Regulations") and the definition permits usage as parks, play grounds, recreational areas etc. Regulation 19-2.2.8 defines play grounds as spaces designated for all indoor and outdoor sports activities, structures serving sports activities etc. Learned counsel did not endeavor to dispel the preponderant observation that the sporting activity alleged befell within the parameters prescribed.

A learned Division Bench of this Court has recently deliberated an identical issue in the *Masjid e Saheem case*¹. *Muhammad Osman Ali Hadi J*, speaking for the Court, expounded, in the *pari materia* context of the *DHA Building Control and Town Planning Regulations 2020*, that a plain reading of the law suggests that sporting facilities fell under the ambit of playground / recreation and within the parameters of the permissible utility of an amenity plot. Reliance was placed upon *Sultan Mehmood*², *Iqbal Haider*³ and *Naimatullah Khan*⁴ to conclude that usage of such plots for sports and recreational purposes

¹ *Masjid e Saheem vs. PDOHA & Others (CP D 2566 of 2024)*; judgment dated 11th March 2025.

² 2018 CLC Sindh 619 – "...it is an admitted position that the playground is an amenity plot / public property which was carved out and reserved specifically for sports activities and has always been used by sportsmen and public exclusively for such purpose. In this view of the matter, the principles laid down in the above cited cases would apply with full force to the present case as well".

³ PLD 2006 SC 394 – "public parks and playgrounds create rights, including right to engage in sports and recreational activities".

⁴ 2020 SCMR 105 – "there must remain legal protection of playgrounds, which are public amenities and it must remain accessible for public recreation".

clearly fell within the ambit and scope of amenity. This edict is binding upon us per the *Multiline*⁵ principles.

Article 199 of the Constitution contemplates the discretionary⁶ writ jurisdiction of this Court and the said discretion *may* be exercised in appropriate circumstances. In the present matter no case has been set forth before this court for invocation of such jurisdiction. Therefore, this petition and listed applications are hereby dismissed in *limine*.

Judge

Judge

Amjad

⁵ *Multiline Associates vs. Ardeshir Cowasjee* reported as 1995 SCMR 362.

⁶ Per Ijaz Ul Ahsan J. in *Syed Iqbal Hussain Shah Gillani vs. PBC & Others* reported as 2021 SCMR 425; *Muhammad Fiaz Khan vs. Ajmer Khan & Another* reported as 2010 SCMR 105.