

ORDER SHEET  
IN THE HIGH COURT OF SINDH KARACHI  
Const. Petition No. D-6263 of 2025

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Date	Order with signature(s) of Judge(s)
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1. For orders on office objections  
2. For orders on Misc. No. 26318/2026  
3. For hearing of main case

**30<sup>th</sup> January, 2026.**

Mr. Khalid Javed Advocate for the petitioner.

Ms. Zehra Sehar Viyani, Assistant Attorney General for Pakistan.

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**Muhammad Saleem Jessar, J.:-** Mr. Muhammad Naeem, Advocate undertakes to file Vakalatnama on behalf of respondent No. 2. As far as the merits of the case, learned counsel for respondents opposed this petition.

2. Learned counsel for the petitioner submits that application filed by the petitioner for change of the land use in respect of building situated at Plot No. D-01, Block-II, Saadi Town, Karachi was declined by the respondent on the ground that it cannot be entertained under the prevailing rules. He contended that pursuant to amendment through Amendment Act XLVII of 2023, Section 185A was inserted into the Cantonment Act, 1924, which empowers the Cantonment Board to entertain such application. When confronted, learned Assistant Attorney General for Pakistan and learned counsel for respondent No.2 conceded to the fact that newly amended law has not been considered while deciding the application of petitioner.

3. In view of above facts and circumstance, this petition is allowed. Consequently order dated 31.10.2025 passed by Cantonment Executive Officer, Malir Cantonment Karachi is set aside and the application filed by the petitioner shall be deemed to be pending. The respondent No.2 is directed to consider the application of the petitioner in terms of newly amended provision of Cantonment Act, 1924 that is Section 185A and decide the same

within (45) forty five days of the date of receipt of this order after providing reasonable opportunity of hearing to the petitioner. Let a copy of order shall be sent by fax to respondent No.2 as well as learned Assistant Attorney General for Pakistan Sindh for correspondence and compliance. Learned MIT-II to ensure compliance.

Petition stands disposed of in the above terms along with all pending applications.

Judge  
Head of Const. Benches

*Aamir/PS*

Judge