

ORDER SHEET
THE HIGH COURT OF SINDH KARACHI

C.P. No. D - 4436 of 2025
[Dr. Shaikh Shahzada Kabir Aftab v. D.G. Housing Directorate & others]

DATE	ORDER WITH SIGNATURE OF JUDGE(S)
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Mr. Justice Adnan-ul-Karim Memon
Mr. Justice Zulfiqar Ali Sangi.

Date of hearing and order:-07-04-2026

Mr. Ch. Muhammad Iqbal, Advocate for the Petitioner.
Mr. Ali Nawaz Khuhawar, Advocate for Respondent No.1.
Ms. Wajiha Mehdi, DAG.

ORDER

Adnan-ul-Karim Memon, J The learned counsel for the Petitioner submitted that the Petitioner, a resident of Askari-IV for over two decades, has consistently paid maintenance dues. Despite this, the Respondents are permitting and facilitating the illegal construction of more than 440 additional apartments adjacent to a graveyard, without requisite approvals or assessments. This construction, as evidenced by the photographs filed and location maps as Annexures B to B-4, is taking place while over 250 bungalows and 1,500 apartments in Askari-IV already face unresolved water shortages. It was highlighted that each flat measures approximately 2,170-2,486 sq. ft., and the project will generate massive additional traffic over 1,200 vehicles including domestic staff and residents causing severe congestion at SP-4 Gate Nos. 1 and 2. He added that existing facilities, including mosques, parks, gymnasiums, markets, parking, and security arrangements, are already inadequate, and the proposed expansion will render them dysfunctional. The learned counsel further pointed out that a commercial building has been illegally constructed over a 16-inch SSGC pipeline at Gate No. 1, violating the master plan, creating serious safety hazards, and obstructing the Rashid Minhas Road entrance. He emphasized that respondents are circulating brochures offering flats on installment schemes without mandatory clearance from Military Intelligence and other relevant agencies, thereby enabling unlawful entry of outsiders and creating unauthorized third-party interests. Per learned counsel this exposes innocent buyers to potential fraud if the project is later declared illegal, as evidenced by the Booking Breakdown of Commercial Block 170 & 171. The learned counsel emphasized that this Court in C.P. No. D-5890/2018 vide Judgment dated 09.10.2020; has held that alteration of a housing society's master plan without Cantonment Board

approval is unlawful and void. He argued that additionally, the Respondents appear to have unlawfully acquired land beyond the boundaries of Askari-IV, including graveyard amenity plots, without environmental or other statutory approvals. He added that the Supreme Court in *Abdul Razzak v. KDA* (PLD 1994 SC 512; and in CPLA No. 1026/2021 has also consistently held that unauthorized construction increasing population density and encroaching on open spaces is illegal and violative of fundamental rights. It was submitted that the Respondents' actions are mala fide, without lawful authority, violate Articles 9, 14, 23, and 24 of the Constitution, create public nuisance, endanger security, and cause irreparable loss to the Petitioner and residents. The learned counsel prayed that this Court declare the subject construction illegal and void ab initio, direct an immediate halt to further construction, cancel the unlawful installment schemes, order removal of the commercial structure over the SSGC pipeline, restrain creation of third-party interests, protect graveyard and amenity lands, and direct the Respondents to improve existing infrastructure before any expansion.

2. After detailed arguments, however the parties agreed that the Chief Executive, Cantonment Faisal, Karachi, shall first decide the matter and the Petitioner may raise all his point of view before him, and after hearing the parties, the Chief Executive shall decide the issue with speaking order within one month. This proposal seems to be reasonable and accepted.

3. In view of his statutory authority over master plan compliance, environmental, and security matters, the Chief Executive of Cantonment Faisal, Karachi, shall coordinate with all concerned to examine the facts and, after hearing the concerned parties, decide the subject issue with speaking order within one month by taking all steps as required under the law.

4. This petition, along with pending application(s), is disposed of in accordance with this joint request.

JUDGE

JUDGE

SHABAN*