

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
C.P. No. D-1890 of 2026

[M/s International Building Industries (Pvt.) Ltd. V. Province of Sindh and others]

Date	Order with signature of Judge(s)
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Before:
Mr. Justice Adnan-ul-Karim Memon
Mr. Justice Zulfiqar Ali Sangi

1. For orders on CMA No.7853/2026.
2. For orders as to maintainability of petition vide order dated 19.03.2026.

Date of hearing and Order: 01.04.2026

Mr. Blosch Ahmed Junejo, Advocate for the Petitioner.
Mr. Anwar Khalid, Advocate for Sindh Master Plan Authority.
Mr. Ali Safdar Debar, A.A.G.
Mr. Abdul Rahman Khoso, Mukhtiarkar Model Colony.
DSP Aijazuddin Tareen on behalf of SSP Korangi.
SIP Amanullah, P.S Korangi.

ORDER

Adnan-ul-Karim Memon, J. – Petitioner M/s International Building Industries (Pvt.) Ltd. has filed these Constitution Petitions under Article 199 of the Constitution of the Islamic Republic of Pakistan 1973, seeking the following relief:-

- i. To direct the Anti-Encroachment Tribunal to take strict action against the Respondents No(s) 2, 3, 4, 5, and 8 for violating the interim stay order dated 29-07-2015 granted to the Petitioner.*
 - ii. To prohibit/compel the Respondent No(s), 2, 3, 4, 5, and 8, not to act in an arbitrary/illegal manner to violate the property rights of the Petitioner as protected by the Constitution of Pakistan, 1973.*
 - iii. To restrain Respondents No. (s) 2, 3, 4, 5, and 8 from unlawfully, intentionally, and illegally infringing on the Private land, bearing survey No. (s) 310, 311, belonging to the Petitioner.*
 - iv. To grant any other appropriate, consequential relief incidental to this Petition.*
 - v. To grant the cost of this Petition to the Petitioner..*
2. Learned counsel for the Petitioner submits that the Petitioner is the lawful owner and in peaceful possession of the subject property forming part of Survey Nos. 305–311, Deh Mehran, Tappo Malir, Karachi, which was acquired through a

registered Sale Deed executed pursuant to a decree for specific performance and ownership documents, including Deh Form VII, layout plans, and an ownership certificate issued by the Assistant City Survey Officer. He submitted that the Kazimabad Housing Project was developed on the said land, and its layout plan was duly approved by the competent authorities, including Karachi Development Authority and the Cantonment Board Malir. He further submits that the Respondents, particularly revenue authorities and Trans Karachi, are illegally attempting to encroach upon approximately 50 feet of the Petitioner's private land on the pretext of the BRT Red Line Project and road expansion, without lawful acquisition proceedings, compensation, or due process. He submits that the Petitioner has already obtained a status quo order dated 29-07-2025 from the Anti-Encroachment Tribunal, restraining the Respondents from interference, but the Respondents are acting in violation of the said order, and contempt proceedings have also been initiated. Learned counsel contends that official records, including reports of the Mukhtiarkar and orders of competent authorities, confirm that Survey Nos. 305–311 are privately owned by the Petitioner and form part of the approved Kazimabad layout, and the Respondents have maliciously included the Petitioner's land in the road/right of way by incorrectly showing the width of Jinnah Avenue. He submits that the actions of the Respondents are illegal, without lawful authority, violative of Articles 23 and 24 of the Constitution, and the Petitioner cannot be deprived of his property except in accordance with law and upon payment of compensation under the Land Acquisition Act, 1894. He lastly submits that despite repeated representations to the authorities for compensation and correction of records, no relief has been granted, hence the Petitioner has invoked the constitutional jurisdiction of this Court.

3. After hearing the learned counsel for the Petitioner and the learned AAG assisted by the learned counsel for the Respondents and perusing the available record, it appears that the controversy regarding title, possession and alleged encroachment over the subject property is already sub judice before the learned Anti-Encroachment Tribunal, where the Petitioner has obtained a status quo order and contempt proceedings are also stated to be pending.

4. Since the matter is already pending before the competent forum, this Court is not inclined to delve into the factual controversies in exercise of constitutional jurisdiction under Article 199 of the Constitution, particularly when an adequate alternate remedy is available and has already been availed by the Petitioner.

5. However, without prejudice the rights of the parties on the subject issue, to meet the ends of justice, the learned Anti-Encroachment Tribunal is expected to decide all pending applications, including the interim and implementation of order/contempt applications, strictly in accordance with law, after providing an

opportunity of hearing to all concerned parties, within a period of one week from the date of receipt of this order.

6. Accordingly, without touching the merits of the case, this petition along with all pending applications stands disposed of in the above terms.

JUDGE

JUDGE

Ayaz Gul