

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
C.P. No. D-1073 of 2019
[Suhail Yousuf 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

Date of hearing and Order: 08.04.2026

Mr. Daniyal Shaikh, advocate for the petitioner.
Mr. Dhani Bux Lashari, Mr. Ghulam Akbar Lashari, Rafiq Bhambro, Ms. Humaira Jatoi and Ms. Rehana, advocates for SBCA.
Mr. Abdul Jalil Zubedi, AAG.

ORDER

Adnan-ul-Karim Memon, J. – Petitioner has filed this Constitution Petition under Article 199 of the Constitution of the Islamic Republic of Pakistan 1973, seeking the following relief(s):-

- i) *Declare Impugned Notice dated 06.02.2019 as unlawful, without lawful authority and of no legal effect,*
- ii. *Restrain the Respondents from taking any action, including any coercive action under the Impugned Notice or under any proceedings initiated under the same,*
- iii. *Restrain the Respondents from sealing or demolishing the Subject Property or evicting the Petitioner from the Subject Property in any manner whatsoever or hindering the Petitioner from using the Subject Property in any manner, way, or form*
- iv. *To award any other relief as it may deem appropriate in the facts and circumstances of the matter at hand.*

2. Learned counsel for the petitioner submits that the petitioner is the owner of the property bearing Plot No. F-41/3, Block-4, Clifton Scheme No. 5, Karachi, and has been utilizing the same for commercial purposes since 2004. It is further stated that the said property was transferred/mutated in favour of the petitioner by his mother, namely Mrs. Nafisa Khatoon, through a transfer/mutation order dated 22.05.2017. Learned counsel contends that in the year 2004, Respondent No. 2 the then KBCA, under the SBCO, 1979, announced a one-time amnesty scheme for regularization of building violations through amendments in the KBTPR, 2002, as published in the Daily Jang dated 30.09.2004, whereby the general public was invited to submit applications to Respondent No. 2 by 31.12.2004. In response thereto, the previous owner, i.e., the petitioner's mother, submitted an application and deposited a challan amounting to Rs. 17,874/-. It is further submitted that Respondent No. 3, vide letter dated 14.07.2005, permitted the previous owner to use the subject property for commercial purposes. Thereafter, a further challan amounting to Rs. 5,22,608/- dated 20.07.2005 was deposited with the Master Plan Department of Respondent No. 3. Subsequently, Respondent No. 2 issued an occupancy certificate dated 18.02.2006 in respect of the ground and first floor of the subject property, allowing its use as a "City Tiles Showroom" in the name of the

previous owner. Learned counsel for the petitioner submits that, despite the above facts, Respondent No. 2 issued the impugned show cause notice dated 06.02.2019 in a mala fide manner and without properly considering the record. It is contended that the notice has been issued under an incorrect provision of law, as the petitioner had already availed the benefit of the one-time amnesty scheme for the regularization of building violations in accordance with law. He prayed to allow the petition.

3. Notices were issued to the respondents, and in compliance thereof, SBCA submitted its report stating that the matter pertains to an old construction of townhouses on Plot Nos. F-48 and F-49, Block-4, Clifton, District South, Karachi. It was further stated that a request has been forwarded to the Record Office, SBCA, for verification of the approval record, if any. However, a site inspection was conducted externally, and the structure was found to consist of a ground plus first-floor building, apparently being used for residential purposes.

4. In view of the above, since the purpose of filing the instant petition challenging the show cause notice needs to be looked into by the competent authority of the SBCA in its SOPs, if any grievance still subsists, which requires adjudication by SBCA in its mechanism as discussed supra, the same shall be addressed by the competent authority within a period of two weeks, meanwhile the petitioner shall put his defence by submitting proper reply to the show cause notice if any. The petitioner is also directed to approach SBCA on the subject issue, which shall decide the matter by way of a speaking order by hearing all concerned in accordance with the applicable S.O.Ps.

5. Without touching the merits of the case, the petition, along with pending application(s), stands disposed of in the above terms. Let a copy of this order be communicated to the Head of the SBCA for compliance in time.

JUDGE

JUDGE