

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

C.P. No. D-3116 of 2023

[Karachi Catholic Co-operative Housing Society V. SBCA 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: 12.05.2026

Mr. Shehryar Qazi, Advocate for the Petitioner.

Mr. Ali Ahmed Zaidi, Additional Advocate General Sindh.

Mr. Ghulam Akbar Lashari, Advocate for SBCA.

ORDER

Adnan-ul-Karim Memon, J. – Petitioner Karachi Catholic Coop Housing Society has filed this Constitution Petition under Article 199 of the Constitution of Islamic Republic of Pakistan 1973, seeking following relief:-

- a. *Directing the respondents to abstain from going beyond their jurisdiction / authority / domain.*
- b. *Directing the respondent no.1 to 3 its employees, agents and representatives to abstain from creating any obstacles and hurdles in the smooth running of the affairs of the petitioner society in accordance with the law.*
- c. *Declaring the action of the part of the respondents i.e. sending such kind of show cause notice bearing No.SBCA/DD/District East / 2023 /170 dated 06-06-2023, is illegal, unlawful and thus ab-initio null and void and having no legal value in the eyes of the law.*
- d. *Declaring that the show cause Notice bearing No. SBCA/DD/District East /2023/170 dated 06-06-2023 Issued against the petitioner by the respondent No.3 is ultra-Virus of the constitution and is ab-initio illegal.*
- e. *Restraining the respondents their men, associates, representatives, attorneys, legal heirs etc. acting or posing on their behalf from taking any adverse & coercive action against the petitioner under the grab of said show cause Notice SBCA/DD/District East/ 2023/170 dated 06-06-2023 issued to the petitioner by the respondent No.3.*

2. The petitioner, Karachi Catholic Cooperative Housing Society, filed the present constitutional petition under Article 199 of the Constitution submitting that it is one of the oldest cooperative housing societies of Karachi, established in the year 1921 and functioning in accordance with its registered bye-laws under the supervision of the Cooperative Department, Government of Sindh. It was submitted that the society was granted leasehold rights over various parcels of land by the then Karachi Municipality for establishment of a housing society,

including Plot No.256, Jamshed Quarters, measuring 3770 square yards, which according to the petitioner was reserved as an amenity plot for community and recreational purposes where the office of the society was also established.

3. The petitioner's counsel asserted that the said plot has continuously been used for recreational and community purposes since inception of the society and no violation of lease conditions has ever been committed. It was further contended that respondent-SBCA issued show-cause notices alleging misuse of the plot for commercial purposes and unauthorized construction, although no permanent RCC construction existed on the site and only temporary steel frames, girders and canvas sheets had been installed to provide shelter for gatherings of members. The petitioner's counsel maintained that the respondents acted with mala fide intention, refused to properly consider its reply to the show-cause notice, and unlawfully threatened coercive action, thereby interfering with the smooth functioning and lawful possession of the society. The petitioner, therefore, sought declaration that the impugned show-cause notice dated 06.06.2023 was illegal, without lawful authority and liable to be set aside, along with restraint against any coercive action by the respondents.

4. Conversely, respondent No.1-SBCA filed comments contending that the petitioner had illegally erected structures on Plot No.256 and was using the amenity plot for commercial purposes as a marriage lawn without obtaining any approval from the competent authority. It was submitted that similar illegal structures had previously been demolished in compliance with the judgment of the Hon'ble Supreme Court of Pakistan reported as 2020 SCMR 111, whereby a complete ban was imposed on conversion of amenity plots and residential properties into commercial uses such as marriage halls, marquees, shopping malls and similar activities. According to SBCA, after demolition of the earlier structure, the petitioner again reconstructed steel structures and booking offices on the amenity plot and continued commercial activities in violation of the Supreme Court's directives. SBCA's counsel further submitted that complaints regarding fresh illegal construction were received through the Prime Minister's Portal, where after the site was inspected and unauthorized commercial use was confirmed. Consequently, the impugned show-cause notice was issued directing the petitioner to stop illegal activities and explain its position. It was also contended that even temporary steel structures fall within the definition of "building" under the Sindh Building Control Ordinance, 1979. The respondent maintained that the petitioner itself had identified the premises on Google Maps as "Catholic Club & Marriage Lawn," which clearly reflected its commercial use. According to SBCA, the petitioner had violated the law as well as the binding directions of the Hon'ble Supreme Court by using the amenity plot commercially

without approval, therefore the petition is liable to be dismissed with directions to remove all unauthorized structures and discontinue commercial activities.

5. At this stage, the learned counsel for the petitioner submitted that despite the restraining order passed by this Court on 23.6.2023, the subject premises bearing No.256, Catholic Colony No.1, Karachi, was sealed by SBCA vide sealing order dated 29.04.2026. It was contended that the premises has been functioning since 1929 as a community center/club for the Christian community where social, cultural and religious activities are regularly conducted, which are protected under Articles 20, 22, 23 and 25 of the Constitution. He further argued that the sealing action under Section 7-A of the Sindh Building Control Ordinance, 1979, on the allegation of unauthorized use as a “Shadi Hall/Marquee/Banquet,” was/is unlawful and contrary to the earlier order of this Court.

6. However, after arguing the matter at some length learned counsel for the petitioner under instructions undertook that the premises would not be used as a “Shadi Hall and Banquet” for commercial purposes and that its activities would remain confined to social, cultural and religious purposes only. Learned counsel for SBCA submitted that upon such undertaking, the premises could be de-sealed, subject to compliance with the law and restriction against commercial misuse. The request of the parties seems to be reasonable.

7. In view of the statements made by the learned counsel for the parties, this Court is of the considered view that the controversy involved in the present petition has substantially been resolved through the undertaking furnished by the petitioner society through its counsel that the subject premises shall not be used for any commercial activity in the nature of a “Shadi Hall / Marriage Lawn / Banquet Hall” and that its use shall strictly remain confined to social, cultural, community and religious purposes. Such undertaking adequately addresses the primary grievance of respondent-SBCA regarding alleged commercial exploitation of the amenity plot in violation of the law and the directions issued by the Hon’ble Supreme Court of Pakistan concerning unauthorized conversion and commercial use of amenity plots in Karachi.

8. At the same time, it cannot be ignored that the petitioner society claims to be an old and established community institution functioning since prior to independence and catering to the social and communal needs of the Christian community. Activities relating to lawful social, cultural and religious gatherings are protected under Articles 20 and 22 of the Constitution, subject of course, to law, public order and morality. Therefore, while the regulatory authority is fully competent to ensure compliance with building laws and land-use regulations, such authority is required to act fairly, proportionately and strictly within the bounds of

law without unnecessarily interfering with legitimate community and religious activities of the petitioner's society.

9. Since the petitioner has now unequivocally undertaken not to commercially exploit the premises and respondent-SBCA has also expressed willingness to de-seal the premises subject to such undertaking and compliance with law, no useful purpose would be served by keeping the present proceedings pending.

10. Accordingly, without touching upon the merits of the rival claims and contentions of the parties, and with their consent, the instant petition along with all pending application(s) is disposed of with the direction that the respondents shall de-seal the subject premises forthwith, if not already de-sealed, subject to the petitioner strictly adhering to its undertaking that the premises shall not be used for any commercial purpose including as a marriage hall, or banquet facility for commercial uses however they can use the subject premises for social and communal needs of the Christian community, activities relating to lawful, cultural and religious gatherings. However, in case of any future violation of the undertaking or breach of applicable laws, the respondents shall be at liberty to proceed strictly in accordance with law after providing due process to the petitioner's society.

JUDGE

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