

HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

C.P. No.D- 1431 of 2026

[Abdul Karim Memon vs. Province of Sindh and Others]

Before:

JUSTICE ADNAN-UL-KARIM MEMON

JUSTICE MUHAMMAD JAFFER RAZA

Petitioner	By M/s Barrister Jawad Ahmed Qureshi and Osama Yousuf Parihyar, Advocates.
Respondents No.7&8	By Mr. Zaheeruddin Sahito, Advocate.
Respondent No.12	By Mr. Naeem Ahmed Junejo, Advocate.
Respondents No.1to6 and 9 to 11	By Mr. Rafique Ahmed Dahri, Assistant A.G., Sindh along with Engineer Zeeshan Khanzada, Deputy Director SBCA, Hyderabad and Anees-ur-Rehman, Mukhtiarkar City, Hyderabad.
Date of hearing	20.10.2026
Date of Decision	20.10.2026

O R D E R

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ADNAN-UL-KARIM MEMON J:- The petitioner has filed this Constitutional Petition under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, seeking the following relief:-

- “i. Issue a writ of Mandamus directing Respondents No. 7, 8, and 9 to forthwith carry out the demolition of all unauthorized construction over the Subject Plot bearing City Survey No. 764, Ward-C, Khai Road, Hyderabad, including the 3rd, 4th, and 5th floors raised in excess of the sanctioned plan at the cost and risk of Respondent No. 12.
- ii. Declare that Building Permission No. RD/SBCA/Hyd(Reg)/C-02/2022 dated 26-01-2022 granted to Respondent No. 12 was obtained on the basis of a materially misrepresented area, that all construction carried out on the basis of or in excess of the sanctioned Ground plus Two Residential floors is non-regularisable and non-compoundable under Regulation 3-2.20.2(iv) of the RIB-TPR 2018, and that no further regularization, compounding, or building plan revision application in respect of the unauthorized floors shall be entertained by Respondents No. 7, 8, or 9.
- iii. Issue a writ of Mandamus directing Respondents No. 3 and No. 10 to immediately initiate action for the removal of all encroachments from the public municipal road abutting the Subject Plot, including the 10-ft garage ramp, the 4-ft projections, the overhead bridge, and all unauthorized entrances and exits constructed on the public street and to restore unobstructed public access to the affected road.

iv. Direct Respondent No. 5 to ensure the property register card of City Survey No. 764, Ward-C, Hyderabad, continues to reflect the corrected and lawfully recorded area of 126.06 sq. yards as per letter No. CS/186 dated 10-05-2022.

v. Restrain Respondent No. 12, his agents, contractors, and all persons claiming through or under him, from raising any further construction, creating any third-party interest, or filing any fresh civil proceedings seeking an injunction against the demolition action directed under Prayer above, pending the final disposal of this Petition and compliance with all directions of this Honourable Court.”

2. Learned counsel for the petitioner submits that SBCA has failed to implement its order dated 15.08.2023. Building permission dated 26.01.2022 granted for basement, ground and two floors, was subsequently suspended; however, respondent No.12 continues construction without an approved building plan.

3. Learned counsel for respondent No.12 denies any illegal construction, whereas learned counsel for SBCA submits that the approved building plan stands suspended and the matter is pending decision by the competent authority.

4. In view of the above, without touching the merits of the case, the petition is disposed of with direction to the competent authority of SBCA, Hyderabad, to hear the parties and decide the matter through a speaking order within two (02) weeks, in accordance with law.

JUDGE

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