

IN THE HIGH COURT OF SINDH AT KARACHI

C.P. No.D-5018 of 2026

[Syed Raza Ali Rizvi v. The Director General, Sindh Building Control Authority and others]

Date	Order with signature of Judge
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Mr. Justice Adnan-ul-Karim Memon
Mr. Justice Muhammad Jaffer Raza

Date of hearing & order: 11th August 2026

Mr. Zaheer Ahmed Ujjan, Advocate for Petitioner.

ORDER

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 with the following prayers: -

- a. Direction be issued to the Respondent No 1 to 6 not to allow the Respondent No.7 to 34 to raise any illegal and unlawful construction upon Plots mentioned in the address of the Respondent Nos 7 to 34 in the title page of the instant petition situated at Nazimabad No. 1 to 5, Karachi, in deviation of the approved plan approved by the Respondent No.1 & 5.*
- b. To direct the Respondent Nos. 1, 3, 4 & 5 to remove/demolish the illegal construction on Plots mentioned in the address of the Respondents Nos 7 to 34 in the title page of the instant petition situated at Nazimabad No. 1 to 5, Karachi, which is made in violation of rules and regulations.*
- c. Any other relief may be granted which this Hon'ble Court may deem fit and proper in the circumstances of the present case by this Hon'ble Court.*
- d. Cost of the Petition is to be borne by the Respondent.*

2. We asked the counsel to satisfy the maintainability of the petition in terms of alternate remedy before the SBCA.

3. The Petitioner, a social worker, claims to be the lawful owner and resident of the house situated at the address mentioned in the petition. He has approached this Court aggrieved by alleged widespread illegal and unauthorized construction in the residential areas of Nazimabad, Karachi, particularly in proximity to his residence.

4. It is the Petitioner's case that Respondents No.1 to 5 are the concerned official authorities responsible for maintaining land records and regulating building and construction activities, whereas Respondent No.6 is the Matriculation Board office, which is alleged to be unlawfully constructing a private bank within its government premises without requisite permission. The

Petitioner further alleges that Respondents No.7 to 34, in collusion with the concerned officials, are raising unauthorized commercial structures and additional floors on residential/commercial plots without fulfilling mandatory requirements relating to parking, setbacks, emergency exits, fire safety, green belts, construction permits and other applicable building regulations. It is alleged that such constructions include multi-storey commercial portions, a school on a residential plot, and bank branches, despite notices and sealing orders issued by the competent authority. In particular, the Petitioner alleges that a show-cause notice dated 20.07.2026 was issued to Respondent No.24 regarding illegal construction on Plot No.01/08, Block 3-A, Nazimabad No.3, but no effective action was subsequently taken. Similarly, a sealing order dated 29.07.2026 was allegedly issued against Respondent No.34, Al-Falah Bank, Gul Bahar Branch, but the construction and commercial activity have continued. According to the Petitioner, the unauthorized construction has encroached upon footpaths and public roads and is causing disturbance and inconvenience to residents. He apprehends that the conversion of residential areas into commercial premises and the construction of unauthorized floors may create serious problems relating to parking, water supply, sewerage, drainage, public access, fire safety and other public-safety concerns, thereby endangering the lives and property of the Petitioner and other residents. The Petitioner asserts that the impugned constructions are contrary to the approved building plans, applicable building-control laws and zoning regulations, and that despite his complaints/applications, the concerned authorities have failed to prevent or remove the alleged illegal constructions. He therefore seeks directions to the official respondents to restrain Respondents No.7 to 34 from carrying out further unauthorized construction and to remove/demolish constructions made in violation of the approved plans and applicable laws. He has also suggested appointment of the Nazir of this Court, along with an official of the Sindh Building Control Authority, to inspect the sites and submit a report regarding the status and legality of the constructions. The Petitioner maintains that he is an aggrieved person and has no adequate alternate remedy, and has, therefore, invoked the constitutional jurisdiction of this Court under Article 199 of the Constitution; therefore, this petition is maintainable under Article 199 of the Constitution.

5. We have heard the learned counsel for the petitioner on the maintainability of the petition and perused the record with his assistance.

6. We are of the view that the grievance raised by the Petitioner primarily relates to alleged unauthorized construction, violation of approved building plans, change of land use and non-compliance with the applicable building-control laws and regulations. Such matters fall, in the first instance, within the statutory domain of the competent authorities, including the Sindh Building Control

Authority under its mechanism and other concerned agencies, which are legally obliged to examine complaints regarding unauthorized construction and to take action in accordance with law.

7. The constitutional jurisdiction of this Court under Article 199 of the Constitution is discretionary and is not intended to substitute the statutory mechanism prescribed for inspection, issuance of notices, sealing, demolition or regularization of construction. At the same time, where a competent statutory authority is shown to have failed to perform a mandatory public duty, or where its inaction is alleged to be arbitrary, discriminatory or contrary to law, this Court may issue appropriate directions requiring the authority to consider and decide the grievance in accordance with the applicable law.

8. In the present case, the Petitioner has raised allegations concerning a large number of properties and private respondents. However, the legality of each construction, its sanctioned plan, permissible land use, building permission, completion status and compliance with applicable regulations are matters requiring factual verification by the competent authority. This Court, in constitutional jurisdiction, cannot undertake a roving factual inquiry into the legality of each individual construction, particularly when the statutory authorities are vested with the primary jurisdiction to conduct such inspection and proceedings.

9. Nevertheless, if the Petitioner has submitted specific complaints/applications before the competent authorities and those complaints have not been considered or decided, the authorities cannot remain inactive. They are required to examine the complaints objectively, conduct site inspections where necessary, verify the sanctioned plans and relevant permissions, and, if any construction is found to be unauthorized or in violation of the applicable law, initiate appropriate proceedings and take action strictly in accordance with law, after affording the concerned persons the opportunity required by law.

10. Consequently, without expressing any opinion on the legality or otherwise of the constructions referred to in the petition, we deem it appropriate to dispose of this petition with a direction to the competent authority/Respondent concerned to examine the Petitioner's specific complaints under the newly mechanism, verify the status of the alleged constructions and sanctioned building plans, and proceed against any construction found to be unauthorized or in violation of the applicable building-control laws, rules or approved plans, strictly in accordance with law by hearing all concerned. The authority shall pass a reasoned/speaking order and communicate the same to the Petitioner. Likewise, the private

respondents shall remain at liberty to avail themselves of all remedies available to them under the law against any adverse order passed by the competent authority.

11. Subject to the above observations and directions, this petition is disposed of alongwith listed applications. No order as to costs.

JUDGE

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