

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C.P. No.D-2234 of 2026
(Ali Muhammad versus Province of Sindh & others)

Date	Order with signature of Judge
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Mr. Justice Adnan-ul-Karim Memon
Mr. Justice Zulfiqar Ali Sangi

Date of hearing and order:- 22.04.2026

Mr. Muhammad Amir Malik, advocate for the petitioner.
M/s Malik Naeem Iqbal and Talha Abbasi, advocates for respondent No.2.
Mr. Ali Safdar Depar, AAG along with SIP Malik Hammad Rafiq, PS Docks

ORDER

Adnan-ul-Karim Memon, J. – The petitioner Ali Muhammad has filed the instant Constitutional Petition under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, seeking declaration against the alleged illegal construction over old structures (Godam/FCS Store) carried out without fulfilling mandatory legal and codal requirements, along with directions for stoppage of construction, inspection of the site, enforcement of SOPs, initiation of inquiry against responsible officials, and other ancillary reliefs.

2. Learned counsel for the petitioner contends that the impugned construction activities are being carried out in violation of mandatory legal requirements, including approval of building plans, soil testing, structural integrity assessment, and other codal formalities, rendering the entire exercise illegal and without lawful authority. It is further submitted that the respondent authorities have failed to discharge their statutory obligations to regulate and control such unlawful construction activities.

3. On the other hand, learned counsel for the respondents submits that upon receipt of legal notice, the department shall examine the matter in accordance with law and pass a speaking order after hearing all concerned parties within a period of two weeks.

4. In view of the submissions made by learned counsel for the parties, it appears that the grievance of the petitioner essentially relates to alleged unauthorized construction over the existing structure (Godam/FCS Store) without compliance of mandatory legal and codal requirements.

5. The petitioner asserts illegality on the ground of non-observance of requisite approvals, including building plan sanction, soil testing, and structural safety assessments, whereas the respondents, without controverting the factual matrix at this stage, have undertaken to examine the matter in accordance with law and to pass a speaking order after providing due opportunity of hearing to all concerned parties.

6. Since the respondents themselves have agreed to adjudicate the matter within a stipulated timeframe after affording hearing, and no final determination on merits has yet been made by the competent authority, this Court is of the considered view that premature adjudication would not be appropriate. The proper course, in the first instance, is to allow the statutory authority to determine the matter in accordance with law, by passing a reasoned and speaking order.

7. Such an approach would not only ensure compliance with due process but also safeguard the rights of all stakeholders while maintaining adherence to statutory regulatory mechanisms governing construction activities.

8. Accordingly, with the consent of the parties and without touching the merits of the case, the respondents are directed to hear all concerned parties and pass a speaking order strictly in accordance with law within a period of two weeks.

9. The petition along with pending application(s) is disposed of in the above terms.

JUDGE

JUDGE