

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH, KARACHI**  
**C.P. No.D-412 of 2004**

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<b>Date</b>	<b>Order with signature of Judge</b>
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**Present**

**Mr. Justice Muhammad Ali Mazhar.**  
**Mr. Justice Abdul Maalik Gaddi.**

Karachi Watch & Care Society (Regd).....Petitioner

V E R S U S

Karachi Building Control Authority & another.....Respondents

**Date of hearing 25.01.2017**

None present for the Petitioner.

None present for the Respondents.

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**Muhammad Ali Mazhar, J:** This matter was called in the morning but since nobody was present, we kept aside the matter. Now it is 12:00 noon, neither the petitioner's representative nor any counsel is present nor any intimation is received. The petitioner has approached this court for seeking directions against the Respondent No.2 to demolish the illegal and unlawful construction and also sought the directions against the Karachi Building Control Authority to take action and restore the car parking which is against the approved building plan on plot No.53, Garden West, Ghulam Hussain Qasim Road, Karachi.

2. The comments of the Respondent No.1 are available on record in which it is stated that the proposed building plan was submitted by the owner for construction of ground plus first

floor which was approved on 23.09.2002. The owner raised the construction of second floor without approval of KBCA, therefore, three days notice was issued to them. The demolition action was taken on 10.05.2003 and shuttering of second floor roof slabs was removed. In the same counter affidavit further action taken by the department against the illegal construction and the demolition is also highlighted in paragraphs 1 to 5. Though the petitioner is called absent and even on the last date also the position remained same. However, we would like to observe here that in case of any violation of approved building plan, it is the responsibility of the Respondent No.1 and SBCA to take action in accordance with law, therefore, the Respondent No.1 is directed to perform their statutory duties and responsibilities in accordance with law if any construction has been raised on the plot in question in violation of approved building plan. Petition is disposed of with pending application. Copy of this order be transmitted to the Director General, SBCA for information.

JUDGE

JUDGE

Aadil Arab