

ORDER SHEET

IN THE HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD

R.A. No. 7 of 2018.

DATE	ORDER WITH SIGNATURE OF JUDGE(S)
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1. For orders on CMA-87 of 2018.
2. For katcha peshi.
3. For orders on CMA-88 of 2018.
4. For orders on CMA-89 of 2018.

27.03.2018.

Mr. Aqeel Ahmed Siddiqui, Advocate for the applicant.

Mr. Zaheeruddin Sahito, Advocate for respondents No.4 to 8.

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The instant revision application arises out of the concurrent findings given by the Courts below where through the first class suit a declaration was sought that the “building constructed by the applicant be declared so constructed in accordance with law and that the entire construction raised by the plaintiff / applicant on the ground floor and other parts of the suit land is legal and lawful”, as this kind of declaration cannot be sought or provided through a suit, his first as well as second suit met the anticipated rejection. The appellate Court also maintained the findings given by the trial Court.

The case in hand relates to a construction which, per counsel, was raised in the year 2003-04 and when 2011 SBCA Ordinance was enforced, the respondents started sending notices to the applicant for demolishing the said construction. Counsel for applicant submits that his construction was raised as per the approval given by the Municipal Corporation which used to handle the matters of such nature in the year 2003.

Challenge to the impugned judgments through the instant revision could not be allowed as no patent illegality or irregularity is apparent in the impugned judgments, however, the counsel for the applicant undertakes that his client will approach the Sindh Building Control Authority to have the construction regularized, which application as made by the applicant will be considered by the respondents within two months keeping in mind that the building was constructed before the enforcement of the 2011 SBCA Ordinance and until

and unless a speaking order is passed on the regularization application made by the applicant, no coercive action be taken against the applicant.

The revision is disposed of in the above terms alongwith the listed applications.

JUDGE

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