

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
C.P. No.D-4699 of 2023

Date

Order with signature of Judge

FRESH CASE:

1. For order on CMA No.21735/2023 (Urgent).
2. For order on CMA No.21736/2023 (Exemption).
3. For order on CMA No.21737/2023 (Stay).
4. For hearing of main case.

Dated; 3rd October 2023

Mr. Rais Khan Bangash, Advocate for Petitioner.

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1. Urgency granted.

2. Exemption granted subject to all just exceptions.

3&4. Through instant Constitutional Petition, the petitioner, who claims to be a resident of House No.D-36, Block-4, F.B. Area, Karachi, has expressed his grievance against illegal and unauthorized construction being raised by the respondent No.5, who according to learned counsel for the petitioner, is raising illegal construction on Plot No.D-35, Block-4, F.B. Area, Karachi, without approved building plan and in violation of Karachi Building & Town Planning Regulations, 2002. Whereas, according to learned counsel for the petitioner, the construction of central wall is also being raised, whereas, compulsory open space has been illegally covered, which is directly affected the right of easement of the petitioner. Per learned counsel, in the subject area only ground plus one storeyed can be constructed, however, the respondent No.5 is raising ground plus two storeyed. According to learned counsel, legal notice was issued to the respondent No.5 as well as SBCA authorities while pointing out such violation, however, no action whatsoever has been taken so far.

Let pre-admission notice be issued to the respondents as well as to the Advocate-General, Sindh, to be served through first three modes, for **02.11.2023**, when reply/ comments, if any, shall be filed with advance copy to the learned counsel for petitioner. In the meanwhile, the SBCA authorities are directed to inspect the site and in case the impugned construction is being raised without approved building plan and in violation of Karachi Building & Town Planning Regulations, 2002, appropriate action may be taken in accordance with law after notice to the respondents and compliance may be furnished on the next date of hearing.

J U D G E

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Farhan/PS
