

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
C.P. No.D-4510 of 2023

Date

Order with signature of Judge

FRESH CASE:

1. For order on CMA No.20834/2023 (Urgent).
2. For order on CMA No.20835/2023 (Exemption).
3. For order on CMA No.20836/2023 (Stay).
4. For hearing of main case.

Dated; 20th September 2023

Mr. Muhammad Ali Lakhani, Advocate for Petitioners.

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1. Urgency granted.

2. Exemption granted subject to all just exceptions.

3&4. Through instant Constitutional Petition, the petitioners, who claim to be the owners of (i) Plot No.B-112, admeasuring 400 square yards in Sector 37-A; (ii) Plot No.B-1, admeasuring 484.43 square yards in Sector B; and (iii) Plot No.B-18, admeasuring 477.22 square yards in Sector D, all situated in Sadaat-e-Amroha Cooperative Society, Karachi, have expressed their grievance against illegal and unauthorized action taken by the SBCA authorities, who according to learned counsel for the petitioners, inspite of the fact that completion notices have been served upon the respondents alongwith requisite documents in respect of the aforesaid plots, however, without deciding the same after providing opportunity of being heard to the petitioners, SBCA intends to take adverse action, including demolition of construction raised thereon, in the garb of the proceedings pending before this Court in C.P. Nos.D-2941, 2942 and 2943 of 2023 filed by Sadaat-e-Amroha Cooperative Society, whereas, according to learned counsel for the petitioners, even in those petitions no such directions for demolition of the construction have been issued by the Divisional

Bench of this Court in its order dated 04.09.2023. Learned counsel for the petitioners further submits that the SBCA authorities are under legal obligation to consider the request of the petitioners for issuance of completion certificate and in case of any violation, if found, petitioners are entitled to seek regularization of such violation, if permissible in Karachi Building & Town Planning Regulations, 2002, after making payment of composition charges, however, no such opportunity has been provided to the petitioners, nor any notice to this effect has been issued by the SBCA authorities, pointing out such violation. According to learned counsel, law permits construction upto third floor in view of the Regulation 25-2.1 of the Karachi Building & Town Planning Regulations, 2002, therefore, requests that respondents may be restrained from taking any adverse action against the petitioners, including demolition of construction raised by the petitioners on the subject plots and may be directed to pass appropriate order on the completion notices of the petitioners after providing opportunity of being heard. It has been prayed that instant petition may be directed to be taken up alongwith aforesaid petitions, which are fixed for hearing on 26.09.2023.

Learned counsel for the petitioners was confronted as to why, Sadaat-e-Amroha Cooperative Society Karachi has not been impleaded as party in the instant proceedings, as the aforementioned petitions have been filed by the Society, whereas, plan/approval are required to be forwarded through Society, which in the instant case, appears to has not been done. Learned counsel for the petitioners requests for time to file amended title by impleading the Sadaat-e-Amroha Cooperative Society, Karachi as party in the instant proceedings. Let amended title be filed, whereafter, notice be issued to the respondents as well as to the Advocate-General, Sindh, to be

served through first three modes, for **26.09.2023**, to be taken up alongwith aforesaid petitions. However, till the next date, respondents may not take any adverse action against the petitioners, including demolition of construction on the subject plots.

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Farhan/PS
