

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI

C.P No.D-6515 of 2022

Date	Order with signature of the judge
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Before: Salahuddin Panhwar &
Khadim Hussain Soomro, JJ

Priority

1. For hearing of Misc. No. 27635 of 2022
2. For hearing of main case.

15.05.2024

Mr. Muhammad Fazl-e-Rabi advocate for the Petitioner
Mr. Rao Sarfaraz advocate for S.B.C.A
Mr. Junaid Alam advocate for K.M.C
Ms. Nazia Siddiqui, advocate for K.D.A
Mr. Khurram Ghayas, advocate for K.D.A

SALAHUDDIN PANHWAR, J. The controversy in this matter pertains to the authorization of a building project. The stance of the **Sindh Building Control Authority (S.B.C.A)** is that a “Nala”, exists within the plot in question. Consequently, an inquiry was initiated by the **Karachi Metropolitan Corporation (K.M.C)**; in response, K.M.C. asserted that no such “Nala” is present. Therefore, it is incumbent upon the S.B.C.A. officials to furnish explanation for their objection to the removal of the “Nala”.

The learned counsel for the **Karachi Development Authority (K.D.A.)** posits that, to his knowledge, a “Nala” previously existed in Karachi, suggesting that a comprehensive survey encompassing waterfalls and all natural sources of water, including drainage, may not have been conducted. It is acknowledged that the initial jurisdiction belonged to the K.M.C, which was subsequently divided, with the **Malir Development Authority (M.D.A.)** operating under its aegis; the M.D.A has since become an autonomous entity.

This Court has already mandated that all relevant departments collaborate under a unified framework to share information and maintain records by verifying the data from various institutions and authorities. Thus, judicial propriety necessitates that the Additional Chief Secretary of Local Government ensures the participation of all stakeholders within the

Karachi Division. They are to review the complete records, including Deh Maps, and conduct a survey, if one has not already been completed of the entire Karachi region or in segments pertaining to the aforementioned subjects. The findings are to be presented to this Court within three months, along with assurances of ongoing record maintenance.

Should it be discovered that a survey has already been conducted, it must be examined in its entirety across the Karachi region. It is understood that any development scheme will not disrupt or obstruct natural water sources, including drainage. Such schemes must be authorized only after thorough verification of the survey findings. In the event of non-compliance by any official, wherein a scheme is approved that flagrantly contradicts the meticulously conducted survey report, the delinquent officer shall be promptly apprehended, taken into task, and held unequivocally liable for transgressions under the Pakistan Penal Code.

This directive is to be promptly conveyed to the **Chief Secretary of the Government of Sindh** for its adherence and information. Additionally, it shall be communicated to the **Managing Director of the Malir Development Authority (MDA)**, the **Mayor of the Karachi Metropolitan Corporation (KMC) Karachi**, the **Director Generals of the Karachi Development Authority (KDA)**, the **MDA**, the **Lyari Development Authority (LDA)**, the **Katchi-abadi Authority**, the **Sindh Gothabad Housing Scheme**, the **Director General of the Sindh Building Control Authority (S.B.C.A.)**, and all **Cantonment Boards** within the jurisdiction. The **Chief Secretary of the Government of Sindh** is hereby entrusted with the responsibility to ensure the full execution of this mandate. A transcript of this order shall also be dispatched to the **Additional Secretary of the Survey Department**. Furthermore, a notice is to be issued to the **Advocate General of Sindh** to ensure compliance with the stipulations herein.

Adjourned.

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