

ORDER SHEET

IN THE HIGH COURT OF SINDH, KARACHI

C.P. No.D-5202 of 2025

Mst.Sabiha Subhan & others.....vs.....Province of Sindh & others

Date	Order with signature of Judge
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Before:-

Mr.Justice Abdul Mobeen Lakho

Mr.Justice Muhammad Jaffer Raza

Dated: 10.02.2026

M/s. Muhammad Fahad, Abdul Samee & Ahsan Anwar, Advocates for petitioners.

Mr. Ghulam Akbar Lashari, Advocate for SBCA.

Mr. Shariq Mubashir, AAG.

Abdul Mobeen Lakho, J: This petition impugns a demolition notice dated 10.10.2025 whereby, the block "C" & "D" of Yasir Tarrace, situated on Plot No. FL-6, Block-10, Gulistan-e-Johar, Karachi, were declared as dangerous. On 24.10.2025, the Nazir was directed to engage the services of an Structural Engineer for the purposes of inspection and reassessment of the subject blocks of Yasir Tarrace. The order dated 24.10.2025 is delineated hereunder for ready reference:-

"Notice to the respondents as well as learned Advocate General Sindh for 05.11.2025. Meanwhile, Nazir is directed to hire services of a renowned Structural Engineer to inspect the subject building i.e. Yasir Terrace, Phase-II situated on Plot No. FL-6 Block10, Scheme No. 36, Gulshan-e-Iqbal Town (Gulshan-e-Jauhar), Karachi and submit an opinion as to whether it is rightly declared as dangers or not by the Sindh Building Control Authority (SBCA). Fee of the Structural Engineer shall be fixed by the Nazir after consultation with him, which shall be paid by the petitioners. This exercise shall be carried out in ten (10) days and the report shall be submitted. At the time of such inspection, notice shall also be given to the SBCA to be present at the site."

2. In deference of the order dated 24.10.2025, the Nazir submitted its report on 22.11.2025 enclosing the Inspection Report. It is

considered expedient to report the conclusion drawn by the Structural Engineer and the same is delineated hereunder:-

“3.5;Main Conclusion”

1. Considering large settlements of the building blocks “C” and “D” of the Yasir Terrace Phase II inside the soil beneath, exceeding the allowable settlement limits for any building, a very high risk of instability exists and persist in these building blocks and it can trigger collapse at any time.

2. Considering a very high risk to the life and safety of the residents of the Blocks “C” and “D” these blocks are remained to be treated as “Dangerous” and their re-occupancy should be prohibited.”

3. It is gleaned from appraisal of the foregoing that the subject blocks of Yasir Terrace have been declared as dangerous and not habitable by the Structural Engineer on one hand as well as by the Technical Committee of Dangerous Building, SBCA on the other hand. It is the province of SBCA under the prescriptions of Section 14 of the Sindh Building Control Ordinance, 1979 to declare any building “dangerous” and not habitable, and demolish the same simultaneously.

4. Learned counsel for the petitioners during course of hearing raised an anxiety that there is a serious threat of encroachment of the subject property, therefore, the demolition action be carried out under the supervision of Official Assignee and the concrete debris also owned by the allottees.

5. Learned counsel for the SBCA contended that demolition action would be carried out in accordance with law as far as the concrete debris is concerned, the same will be auctioned.

6. In view of above rationale and deliberation, the instant petition along with listed applications is disposed of with directions to the SBCA to carry out the demolition process of the subject blocks i.e. “C”

& "D" of the Yasir Terrace, in accordance with law, within a period of three weeks. Soon after the demolition process, the Nazir shall take over the possession of the property on which no third party interest shall be created and shall not allow ingress of any individual therein. So far as the claim of the petitioners against the Respondent No. 4 & 5 is concerned, it is not the domain of this Court under Article 199 to decide the question of fact which requires evidence. The Hon'ble Federal Constitutional Court of Pakistan in an edict¹ settled as under:-

*"Where the controversy involves intricate, disputed, or contentious questions of fact, the resolution of which necessitates the recording and appraisal of evidence by the parties, such matters fall within the domain of courts of plenary jurisdiction, and the High Court, in the exercise of its constitutional jurisdiction, cannot assume the role of a fact-finding forum or enter into such factual controversies. This legal position is so well settled in our jurisprudence that it scarcely requires reiteration; however, reference may be made to the judgment of the Supreme Court reported as *Nazir Ahmad and another v. Maula Bakhsh* (1987 SCMR 61), *Fida Hussain and another v. Mst. Saiqa* (2011 SCMR 1990) and *Waqar Ahmed and others v. the Federation of Pakistan* (2024 SCMR 1877)."*

7. In view of the circumstances delineated in paragraph 6, instant petition is disposed of. Nazir as well as SBCA are directed to file compliance report through MIT-II of this Court.

JUDGE

JUDGE

Aadil Arab

¹ Per Syed Hassan Azhar Rizvi and Muhammad Karim Khan Agha in *Faizullah Khan & others v. Member Board of Revenue Punjab, F.C.P.L.A. No. 137/2025*, decided on 28th January, 2026.
[file:///C:/Users/User/Downloads/F.C.P.L.A%20No.%20137%20of%202025%20\(Mr.%20Justice%20Syed%20Hasan%20Azhar%20Rizvi\)%20\(3\).pdf](file:///C:/Users/User/Downloads/F.C.P.L.A%20No.%20137%20of%202025%20(Mr.%20Justice%20Syed%20Hasan%20Azhar%20Rizvi)%20(3).pdf)

