

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
C.P Nos.D-2549 of 2024
(Tariq Mansoor Advocate v Province of Sindh & others)

Date	Order With Signature Of Judge
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Before:-
Mr. Justice Adnan-ul-Karim Memon
Mr. Justice Zulfiqar Ali Sangi

Date of hearing and order:-23.04.2026

Mr. Tariq Mansoor, advocate / petitioner.
Ms. Rehmat-un-Nisa and Mr. Ashraf Butt, advocates for respondent-Cantonment Korangi.
M/s Dhani Bux Lashari, Ghulam Akbar Lashari and Rafiq Ahmed, advocates for SBCA.
M/s Khurram Gayas and Anwar Khalid Soomro, advocates for Sindh Master Plan Authority.
Mr. Muhammad Asif Malik, advocate for respondents No.8, 11, 13, 15 & 16.
Mr. Iqbal Khurram, advocate for MDA.
Mr. Abdul Jalil Zubedi, AAG.
Ms. Wajiha Mehdi, Assistant Attorney General.

ORDER

Adnan-ul-Karim Memon, J The Petitioner, appearing in person, submits that the present Constitutional Petition has been instituted in larger public interest for enforcement of fundamental rights of the citizens of Karachi, particularly the right to life guaranteed under Article 9 of the Constitution of the Islamic Republic of Pakistan, 1973.

2. The petitioner, on behalf of approximately 30 million residents of Karachi Division, has prayed for enforcement of Karachi Strategic Development Plan, (KSDP-2020), asserting protection of fundamental rights under Article 9 of the Constitution and allied provisions relating to life, dignity and public welfare. It is prayed that Respondent Nos. 1 to 10 be directed to ensure immediate coordinated, and effective implementation of the notified KSDP-2020 in accordance with their respective statutory domains, and to align all relevant planning laws, regulations, and frameworks, including SBCA laws, cantonment regulations, and local government statutes, with the said Plan, in light of the judgment reported as PLD 2022 SC 439. It is further sought that any planning actions, amendments, or notifications inconsistent with the KSDP-2020 be declared void and of no legal effect. The petitioner also requests constitution of a high-powered divisional and district coordination mechanism comprising senior officials of the respondent departments to ensure time-bound and effective implementation of the Plan, along with preparation of a structured action plan. Additionally, directions are sought for restructuring and upgradation of the Master Plan Department/SMPA into a professionally equipped planning authority with qualified urban planners and

technical experts to ensure proper implementation of the development framework. The petitioner further prays for an inquiry into alleged negligence and misconduct of concerned public officials responsible for non-implementation of the KSDP-2020.

3. It is the case of the petitioner that his grievance arises from the continued non-implementation of the notified Karachi, Strategic Development Plan, 2020, which was issued by the Government of Sindh under Section 7-B of the Sindh Building Control Ordinance, 1979, in compliance with directions of the Supreme Court of Pakistan and the Judicial Commission on Water and Sanitation. It is urged that despite lapse of considerable time since its notification, in the official gazette, the said Plan has not been implemented effectively by the concerned authorities within their respective jurisdictions. This failure, according to the Petitioner, has resulted in unplanned urban expansion, overburdened civic infrastructure, environmental degradation, and consequent infringement of fundamental rights of the residents of Karachi. The Petitioner further submits that although the Sindh Master Plan Authority has been notified, the required statutory framework, operational rules, and institutional coordination mechanisms necessary for effective enforcement of the Karachi Strategic Development Plan, 2020 have not been fully developed or implemented. This institutional gap, it is contended, has led to administrative inefficiency and lack of coordination among various respondent authorities, thereby aggravating the urban governance crisis in the city. It is further stated that the cause of action is of a continuing nature, as the non-implementation of the notified Plan continues to adversely affect the daily lives and rights of millions of citizens. The Petitioner, being an Advocate of this Court and a public-spirited litigant, states that he has approached this Court on a pro bono basis in public interest, as the affected population lacks sufficient resources and awareness to seek judicial redress. In light of the above, the Petitioner prays that the Respondents be directed to implement the Karachi Strategic Development Plan, 2020 in a coordinated, effective, and time-bound manner, ensuring proper urban planning, development of civic infrastructure, and protection of fundamental rights of the citizens of Karachi. In support of his contentions, the Petitioner places reliance on the judgment reported as *MQM (Pakistan) and others v. Pakistan through Secretary Cabinet Division and others* (PLD 2022 SCMR 439), particularly Para 46 thereof, wherein the Supreme Court emphasized the constitutional obligation of the provincial government under Article 140A to strengthen local governments, ensure coordinated governance, and maintain harmony between provincial authorities and elected local bodies. The Petitioner highlights that the Supreme Court further held that master planning and spatial planning functions must be exercised in accordance with constitutional mandates, and that provincial laws and institutions must operate in conformity with Article 140A of the Constitution. The Petitioner also relies upon an

unreported order dated 10.02.2026 passed by this Court in CP No. D-6603 of 2021, contending that the same has not been implemented by the respondents. Further reliance is placed on *Contempt Proceedings against Chief Secretary Sindh and others* reported as 2013 SCMR 1752, wherein the Supreme Court elaborated the scope of the right to life under Article 9 of the Constitution, holding that the term “life” is not confined to mere existence but extends to all aspects of human dignity, including security, reputation, status, and all ancillary rights necessary for meaningful existence. He prayed to allow this petition as prayed.

4. The petitioner has filed the present contempt application under Sections 3, 4 & 5 of the Contempt of Court Ordinance, 2003 read with Article 204 of the Constitution, alleging willful non-compliance of this Court’s orders dated 27.08.2025 and 16.10.2025 regarding implementation of the Karachi Strategic Development Plan (KSDP-2020). It is contended that despite clear judicial directions, the respondents have failed to implement the KSDP-2020, have not submitted compliance affidavits, and are allegedly adopting delaying tactics, including filing review/recall applications. It is further alleged that instead of enforcing the notified plan, the Government of Sindh is pursuing the proposed “Greater Karachi Regional Plan, 2047”, which is stated to be contrary to the existing KSDP-2020 and an attempt to regularize prior irregularities. The petitioner asserts that this conduct violates the fundamental rights of approximately 30 million residents of Karachi under Articles 4,5,9,14,15,25,37 and 38 of the Constitution, and is also contrary to international instruments. It is further alleged that non-implementation of KSDP-2020 since 2018 has caused continuing prejudice to public interest and urban governance. It is submitted that senior officials, including the Chief Secretary Sindh, Local Government Department, SBCA, and KDA, have collectively failed to comply with this Court’s directions. Reliance is also placed on the order dated 10.02.2026 in C.P. No. 6603/2021. In prayer, the petitioner seeks initiation of contempt proceedings against the respondents for their alleged willful disobedience, cancellation of all actions contrary to KSDP-2020, inquiry and disciplinary action against responsible officials, and directions for immediate enforcement of the notified plan. He also raised various issues, which does not relate to the present proceedings as such cannot be discussed in the present case.

5. The learned Assistant Attorney General along with learned Assistant Advocate General and counsel for Respondents No. 4,9,11 and 15 filed counter affidavits and parawise comments, raising preliminary objections regarding maintainability of the present petition, contending that the petition involves disputed questions of fact requiring evidence, which cannot be adjudicated under Article 199 of the Constitution. Counsel for Respondent No.4/SMPA submitted that the petition is misconceived insofar as it relates to the 1952 KDA Master

Plan and SMPA's role. It was stated that master planning is a continuous process with multiple development plans over time, and that SMPA was established as an independent authority in 2020. It was further clarified that implementation of KSDP-2020 and preparation of the Greater Karachi Regional Plan 2047 fall within the domain of the relevant competent authorities, including KDA. It was also submitted that although legislative framework for integrated master planning is under process, it is yet to be finalized. SMPA counsel contended that it lacks an effective statutory framework for full implementation functions, which is the function of the executives of the province. Counsel for Respondent No.9 (MDA) submitted that it is a limited statutory authority functioning strictly within its notified jurisdiction and has no city-wide planning or enforcement role regarding KSDP-2020, and that allegations against it are beyond its mandate. Counsel for Respondents No. 11 and 15 gave a detailed historical background of Karachi's planning institutions and submitted that master planning is a shared and evolving function across multiple bodies, including KDA, KMC, SBICA and SMPA, with responsibilities not lying with a single authority. It was further submitted that the petition raises generalized grievances without specific legal or factual attribution and involves ongoing policy and legislative processes. At this stage, learned AAG submitted that the petition essentially seeks enforcement of the Karachi Strategic Development Plan-2020 and raised broad issues relating to urban governance planning, and inter-departmental coordination. Such matters involve disputed facts, technical evaluations, and policy decisions, which fall outside the scope of constitutional jurisdiction under Article 199 of the Constitution. He added that the grievance is general in nature and fails to establish a clear legal violation or specific enforceable duty against the respondents. The stance of MDA's counsel regarding its limited statutory role as well as the submissions of Respondents No. 11 and 15 regarding shared institutional responsibilities, they emphasized that while the issues raised are of public importance, their resolution would require this Court to enter into policy formulation and administrative oversight across multiple authorities, which is beyond writ jurisdiction. According to them, the petition is not maintainable and is liable to be dismissed along with all pending applications, leaving the petitioner to pursue remedies before the competent forums in accordance with law. At this stage learned AAG pointed out that he has also filed the review application under Section 114 read with Order XLVII Rule 1 CPC, seeking recall/expungement of the order dated 16.10.2025 passed in this matter. It is contended that the impugned order erroneously attributes to A.G. office an undertaking which was never given. He submits that A.G. office was merely assisting this Court as a Law Officer and had only stated that enforcement of the Karachi Strategic Development Plan-2020 falls within the domain of the relevant authorities, including the KMC and Master Plan Department. However, the short order incorrectly records that AAG sought time to file an affidavit along with an undertaking to enforce the notified master plan, which is factually

incorrect and needs to be recalled. It is further stated that the petition pertains to enforcement of the Karachi Strategic Development Plan-2020, and that the applicant never made any commitment or statement undertaking its implementations, which is beyond the mandate of the A.G office. The recording of such assertion in the order is, therefore, sought to be expunged. Accordingly, it is prayed that the order dated 16.10.2025 needs to be reviewed to the extent of the alleged undertaking and the incorrect recording attributed to the A.G office be deleted from the judicial record.

6. We have heard the learned counsel for the parties, the petitioner appearing in person and have perused the record with their assistance and case law cited by the petitioner.

7. From the material available, it emerges that the core grievance of the petitioner relates to non-implementation for the Karachi Strategic Development Plan, 2020(KDSP-2020) and the failure of the respondent authorities to act in conformity with the constitutional mandate and binding judicial pronouncements. However, at the same time, the record also reflects that the controversy involves multiple competent authorities, evolving statutory frameworks, and questions relating to policy implementation, coordination, and regulatory harmonization, which prima facie ordinarily fall outside the strict scope of constitutional jurisdiction under Article 199 of the Constitution, particularly where disputed factual aspects and institutional competencies are involved. However, at this juncture, it is significant to note that this Court has already issued comprehensive directions in CP No. D-6603 of 2021 vide order dated 10.02.2026, wherein a clear mechanism has been provided for framing of rules, ensuring consistency with the KSDP-2020, and restraining authorities from acting in deviation thereof until such framework is duly notified. The said order adequately addresses the concerns relating to regulatory alignment, implementation framework, and adherence to the notified master plan, and continues to hold the field, until set aside by the Honorable Federal Constitutional Court.

8. In view of the above, the petition needs to be disposed of along with all pending application(s) with directions to the competent authorities of respondents to strictly comply with the order dated 10.02.2026 passed in CP No. D-6603 of 2021, particularly regarding timely framing of rules, consistency of regulatory framework, ad adherence of KSDP-2020 in line with binding Supreme Court judgments. Until any new plan, including the proposed Greater Karachi Regional Plan, 2047, is lawfully approved and notified, the KSDP-2020 shall remain operative, and any deviation therefrom shall entail legal consequences in accordance with law subject to the final policy decisions of the Government of Sindh on the subject issue.

9. As regards the contempt application, since compliance of the earlier orders is intrinsically linked with the ongoing process directed in CP. D-6603 of 2021, the same does not warrant independent proceedings of this stage. However, the petitioner shall be at liberty to seek appropriate remedy in accordance with law, in case of any clear and willful disobedience of the directions contained in the order dated 10.02.2026 is made out.

10. With these observations of the contempt/review application and all pending applications, stands disposed of. However, with no order as to costs.

JUDGE

JUDGE

Shafi