

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
Constitutional Petition No. D-3790 of 2025
(*Saeeda Burhani versus Government 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: 06.5.2026

Mr. Muhammad Ayoub Chanio advocate for the petitioner

Mr. Dhani Bux Lashari advocate for the SBCA

ORDER

Adnan-ul-Karim Memon, J. Petitioner Saeeda Burhani has filed this Constitutional Petition under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, with the following prayer: -

(a) To declare in action on the application and notice of the petitioner disclosing the dangerous condition of the Building known as Plot No.16, Ly Burhani Building, Chakiwara Karachi, by respondents No.2 and 3 is illegal, hazardous to the lives of the residents and their property.

(b) To direct respondents No.2 and 3 to take action on the application and notice of the petitioner in the interest of residents of the building to avoid any mishap due to its dangerous condition.

2. The petitioner, Ms. Saeeda Burhani, invoked the constitutional jurisdiction of this Court under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, seeking urgent intervention in respect of a dangerously dilapidated structure known as Burhani Building, situated at Plot No. 16-LY, Chakiwara, Karachi. Her principal grievance revolves around the inaction of the concerned authorities despite repeated applications and notices highlighting the hazardous condition of the building, which poses a serious and imminent threat to human life as well as property.

3. It is the case of the petitioner that she is the lawful owner of the subject building, which was constructed in 1975 by her late husband. The structure comprises 36 residential flats along with shops on the ground floor, extending up to four storeys. Over time, the building has significantly deteriorated and has now reached a stage where it is no longer fit for habitation, with an imminent risk of collapse. The petitioner asserts that despite bringing this alarming situation to the attention of the relevant authorities and requesting demolition to avert any tragedy, no effective action was taken. The gravity of the situation is underscored by the unfortunate loss of two lives in incidents attributed to the building's dangerous condition, although subsequent legal proceedings against the petitioner were later withdrawn.

4. In response, learned counsel for the Sindh Building Control Authority (SBCA) submitted that the petition is not maintainable in its present form, contending that the responsibility for initiating demolition proceedings lies

primarily with the owner of the building. It was argued that the petitioner should have formally applied for demolition permission instead of merely seeking a declaration regarding the building's dangerous condition. The SBCA further stated that the owner is required to first ensure that the premises are vacated by tenants or occupants at her own expense, after which the building may be handed over for demolition, subject to necessary approvals from the local administration and other relevant authorities.

5. At this juncture, learned counsel for the petitioner conceded that the building is indeed in a dangerous condition and requires immediate demolition. It was further submitted that an application for demolition had already been filed before the SBCA, and therefore, the matter now requires prompt action from the authorities rather than procedural objections or delays.

6. In light of the above circumstances and with the consent of both parties, this Court finds that the paramount consideration is the protection of human life and prevention of any further loss or injury. The continued existence of a structurally unsafe building, particularly one already associated with fatalities, constitutes a serious public safety hazard. Administrative inaction in such a scenario cannot be justified, especially where the risk is immediate and irreversible.

7. Accordingly, the SBCA is directed to take all necessary steps without delay to address the situation in accordance with the law. This includes formally declaring the building as dangerous within a period of two weeks, ensuring that all occupants are safely evacuated, and initiating the demolition process after obtaining requisite permissions from the local administration. The authorities are further obligated to coordinate effectively to prevent any procedural bottlenecks that may hinder urgent action.

8. Without prejudice to the proprietary rights of the parties and with the consent of the parties, occupants of the building shall be shifted to a safe place if in occupation by the local administration. The petition is disposed of along with pending applications in the above terms.

A copy of this order shall be transmitted to the concerned Senior Superintendent of Police (SSP) and Deputy Commissioner concerned to ensure compliance and provide necessary assistance in maintaining law and order during the evacuation and demolition process, subject to all just exceptions as provided under the law..

JUDGE

JUDGE