

HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

C.P. No.D-970 of 2024

[Abdul Jabbar & others Vs. Province of Sindh & others]

Before:

JUSTICE ADNAN-UL-KARIM MEMON
JUSTICE MUHAMMAD JAFFER RAZA

Petitioners: Through Mr. Salahuddin Ahmed, Advocate.

Official respondents: Through Mr. Rafiq Ahmed Dahri, Assistant Advocate General.

Respondents 2 & 3: Through Mr. Irfan Ali Bughio, Advocate.

Date of hearing 20.10.2026

Date of Decision 20.10.2026

ORDER

ADNAN-UL-KARIM MEMON J:- Petitioner Sohail Ahmed has filed this petition under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, seeking the following reliefs:-

- i. Declare that the Respondents are obliged to entertain and consider applications for conversion of land usage falling within the jurisdiction of Hyderabad Development Authority and there is no blanket ban on the same;
- ii. Direct the Respondents to entertain and accept the applications dated 12.02.2024 and 17.05.2024 of the Petitioner No.1 and Petitioner No.2, respectively, for the conversion of land use of Property No.1 and Property No.2 from residential to commercial in accordance with the policy framed by the Respondents and process and decide the same expeditiously in accordance with the applicable law and policy;
- iii. Any other alternate/additional relief as this court may deem fit and appropriate;
- iv. Costs of the petition."

2. The petitioners seek conversion of their respective residential plots to commercial use in accordance with the policy of the Hyderabad Development Authority (HDA).

3. The petitioner claim to be lawful owners of Plot No.173, Block-C, Unit No.6, measuring 650 square yards, and Plot No.5, Block-B, Unit No.7, measuring 1000 square yards, respectively, situated in Shah Latifabad, Hyderabad. They applied to the concerned

authorities on 12.02.2024 and 17.05.2024, respectively, seeking conversion of their residential properties to commercial use, contending that both properties are situated on 150-foot-wide roads and are surrounded by commercial buildings, banquets, schools and shopping plazas. Their applications were, however, declined through letters dated 30.04.2024 and 23.05.2024 on the ground that this Court, in its judgment dated 22.12.2022 passed in C.P. No.D-1919 of 2019, had imposed ban on conversion of land use.

4. Learned counsel for the petitioners contends that the said judgment does not impose any blanket ban but requires conversion to be considered in accordance with the applicable policies, regulations and law. He further asserts that the Hyderabad Development Authority has previously permitted commercialization of properties situated on similar roads under its policy, particularly the decision recorded in its 115th Governing Body meeting dated 20.02.2010. He states that the respondents have misinterpreted the judgment and unlawfully refused to entertain their applications. The petitioners seek a declaration that no blanket ban exists on conversion of land use within the HDA's jurisdiction and a direction to the respondents to entertain and decide their applications in accordance with the applicable policy and law more particularly in terms of the recent decision by the Honourable Federal Constitution Court. Learned counsel lastly submits that the petitioner's representation is pending before the HDA and requests its decision in light of the recent judgment of Hon'ble Federal Constitutional Court as discussed supra.

5. Learned A.A.G., assisted by the counsel for the HDA, assures that the representation of the petitioner shall be decided in accordance with law within three weeks.

6. When confronted with this position of the case, the counsel for the petitioner seeks disposal of the petition in terms of the law and the decision of Honourable Federal Court.

7. Accordingly, the petition is disposed of, by consent, with direction to the competent authority to decide the petitioners' representation if filed earlier, or if not filed, the same shall be filed within one week, and decision shall be made by the competent authority within three weeks in accordance with law and more particularly in terms of the ratio of judgment of Hon'ble Federal Constitutional Court of Pakistan in the case of Abdul Karim Vs Nasir Salim Baig and other vide judgment dated 12.5.2026.

Let a copy of this order be communicated to all concerned for compliance.

Sd/- Adnan-ul-Karim Memon, Judge

Sd/- Muhammad Jaffer Raza, Judge