

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI

Constitutional Petition No. D-4631 of 2026
(Mrs. Tansneem Naz versus Naeem Ahmed Khan and others)

Date	Order with signature of Judge
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Before:-

Mr. Justice Adnan-ul-Karim Memon

Mr. Justice Muhammad Jaffer Raza

Date of hearing & Order: 25.8.2026

Mr. Muhammad Zahid Kabeer, advocate for the petitioner along with petitioner.
Mr. Abdul Jalil Zubedi, Addl AG Sindh along with PI Mola Bux PS Aram Bagh.
M/s Qazi Amanullah, Dhani Bux Lashari and Rafiq Ahmed, advocates for SBCA.

ORDER

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

“1. Direct the respondents to be restrained from dispossessing the petitioner from her Flat No.4, First Floor, Noori Building, Sheet No. R.B. 8, Aram Bagh Quarters, Cloth Market., Plot No.7/2/1, Opp. Eidgah Madan, M. A. Jinnah Road, Karachi, forcefully and without adopting legal process, as petitioner is legal tenant and protected under Sindh Rented Ordinance 1979.

2. Restrain the SBCA to seal the property without adopting proper legal requirements, as petitioner's property cannot be sealed without adopting tenancy laws.

3. Direct the Deputy Commissioner to be restrained to take any strict action against petitioner as petitioner is tenant having tenancy legal rights.

4. Direct the SHO to be restrained to harass, humiliate the petitioner and restrain to forcefully dispossess the petitioner.

5. Any other relief which this Honorable Court may think fit and proper.”

2. The petitioner has filed this Constitutional Petition under Article 199 of the Constitution, seeking protection against her alleged forcible dispossession from Flat No.4, First Floor, Binte Noori Building, Aram Bagh, Karachi, and restraining the respondents, including SBCA, the Deputy Commissioner and the SHO, from sealing the premises or harassing her without due process of law.

3. Petitioner claims to be an old and ailing *pagri* tenant residing in the premises for decades and states that, upon refusal by the landlord to accept rent, she has been regularly depositing the same in MRC No.651/2012 before the Rent Controller, Karachi South. She alleges that on 20.07.2026 officials of the Deputy Commissioner, SBCA and Police entered the premises, harassed the occupants and compelled them to vacate on the pretext of sealing the building. She therefore challenges SBCA's communication dated 17.07.2026 as illegal and arbitrary, asserting protection under the Sindh Rented Premises Ordinance, 1979. She prayed to all this petition.

4. Conversely, learned counsel for SBCA has raised objections to the maintainability of the petition under Sections 14 and 16 of the Sindh Building Control Ordinance, 1979, contending that the petitioner has no title in the property and lacks locus standi. It is submitted that the building, situated at Plot No.7/2/1, RB-08, Aram Bagh, Karachi, was inspected and declared dangerous and unfit for human habitation by the competent Technical Committee on Dangerous Buildings vide recommendations dated 28.02.2020. It is submitted that the building was subsequently removed from the heritage list, and the owner was granted permission for demolition vide letter dated 11.05.2026. Notices dated 13.07.2026 were thereafter issued to the occupants to vacate the premises, while letters dated 09.07.2026 were addressed to the utility agencies for disconnection of services and to the Deputy Commissioner for assistance in vacation of the building. It is thus contended that the action is being taken in the interest of public safety and is not directed against the petitioner personally. Since the building is in a dangerous and deteriorating condition and may collapse at any time, the respondents maintain that the petitioner cannot insist upon continued occupation merely on the basis of her tenancy rights. SBCA, therefore, seeks dismissal of the petition and vacation of the premises so that the building may be demolished in accordance with law and the lives and property of the occupants and general public may be protected. He prayed to dismiss this petition.

5. We have heard the parties present in court and perused the pleadings and the material placed on record.

6. The petitioner's claim is essentially founded upon her alleged status as a tenant, whereas the action impugned by her is purportedly an attempt to evict her from the premises in a private tenancy dispute, but is based upon the competent authority's determination that the building is dangerous and unfit for human habitation. Prima-facie, the record indicates that the building was inspected by the Technical Committee on Dangerous Buildings, which recommended its demolition as far back as 28.02.2020, and that, thereafter, the building was removed from the heritage list and permission for demolition was granted to the owner on 11.05.2026. It appears that notices were subsequently issued to the occupants to vacate the premises, while assistance was sought from the relevant authorities for vacation and disconnection of utilities.

7. The petitioner's status as a tenant, even if otherwise established before the Rent Controller, cannot confer an absolute right to remain in occupation of a building which has been declared dangerous and liable to demolition by the competent statutory authority. Primarily, tenancy rights are subject to the law governing public safety and the physical condition of the premises, and the protection available under the Sindh Rented Premises Ordinance, 1979 cannot

reasonably be construed as authorizing continued occupation of a structure which poses a danger to the lives of its occupants and the general public. Any dispute regarding the petitioner's tenancy, payment of rent or other incidents of tenancy falls within the jurisdiction of the competent Rent Controller and cannot, by itself, justify restraining the statutory authorities from taking lawful measures for safeguarding human life.

8. Moreover, the petitioner has attempted to demonstrate that the impugned action is actuated by mala fide, personal hostility or any unlawful object. However, the material suggests that the respondents are acting pursuant to a prior technical determination regarding the dangerous condition of the building and for the purpose of facilitating its demolition. The petitioner in this regard shall be at liberty to challenge the technical determination by filing an appeal under Section 16 of the Sindh Building Control Ordinance, 1979, before the competent forum, in accordance with law. For ease of reference, Section 16 of the Sindh Building Control Ordinance, 1979, is reproduced hereunder: -

- “16. Appeal.- An appeal from an order under this Ordinance may, in the prescribed manner, be preferred within thirty days of such order to:-
- a) Government in the case of the order made by the Authority; and
 - b) the Authority, in other case.”

9. The constitutional jurisdiction of this Court is not intended to substitute the Court's opinion for that of a competent technical authority on matters of structural safety, particularly where the record discloses a genuine apprehension to human life. The fundamental right to life under Article 9 of the Constitution carries with it an obligation upon the State to protect human life and public safety, and such obligation cannot be defeated merely by reliance upon a tenancy claim.

10. At the same time, the respondents are bound to act strictly in accordance with law. The petitioner cannot be forcibly dispossessed through unlawful means, nor can the police or any other authority employ harassment, intimidation or coercion beyond what is legally permissible. However, such protection against unlawful force does not amount to a right to remain in a dangerous building or to prevent its lawful vacation and demolition. If the petitioner has any independent grievance regarding her tenancy, compensation, relocation or other legal entitlement, she may avail the remedy before the competent forum in accordance with law and in absence of any such restraining order by competent Court dangerous building cannot be used / occupied.

11. The respondents may proceed with the vacation, sealing and demolition of the dangerous building strictly in accordance with the applicable law and after

observing all mandatory procedural safeguards subject to outcome of the appeal under Section 16 of Sindh Building Control Ordinance, 1979. The petitioner shall not, however, be subjected to unnecessary harassment or use of force except to the extent lawfully required for implementation of the competent authority's orders.

12. Subject to these observations as discussed in the preceding paragraphs, the petition is disposed of along with pending application(s).

JUDGE

Shahzad Soomro

JUDGE