ORDER SHEET

IN THE HIGH COURT OF SINDH, KARACHI

Constitutional Petition No.D-5473 of 2026.
(Khalid Hamid vs Province of Sindh and others)

DATE	ORDER WITH SIGNATURE OF JUDGE

Present:
Mr. Justice Riazat Ali Sahar,
Mr. Justice Ali Haider 'Ada'.

1. *For order on CMA No. 23939/2026*
2. *For order on office objections 1 to 3*
3. *For hearing of CMA NO. 21283/2026*
4. *For hearing of main case*

22.10.2026

Mr. Waheed Hussain, Advocate for Petitioner

Mr. Zohaib Sarki, Additional Advocate General Sindh.

M/s Ghulam Akbar Lashari & Dhani Bux Lashari, Advocates for SBCA

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ORDER

Ali Haider 'Ada', J.- The main contention of the petitioner is that he is a tenant of the subject shop, whereas respondent No.6, claiming to be the new owner of the building, has instituted rent proceedings before the learned Rent Controller. It is further submitted that, in addition to the aforesaid proceedings, FRA Nos.199 and 204 of 2025 are also pending adjudication before the learned VI-Additional District Judge, Karachi Central. However, during the pendency of the said proceedings, respondent No.6 allegedly commenced illegal demolition of the upper and adjoining portions of the subject building without obtaining an approved building plan from the Sindh Building Control Authority (SBCA), in violation of the applicable law. It is further alleged that respondent No.6 assaulted the petitioner on two occasions, whereupon the petitioner lodged complaints seeking registration of an FIR; however, no action was taken. Hence, the petitioner has filed the instant constitutional petition.

2. Learned counsel for the petitioner submits that the petitioner is admittedly a tenant of the subject shop and disputes the claim of respondent No.6 in respect of the property. He further submits that, during the pendency of the rent proceedings, respondent No.6 proceeded with construction and structural alterations without obtaining the requisite approval from the SBCA. It is contended that such acts are unlawful and beyond the authority of respondent No.6.

3. Conversely, learned counsel for the SBCA, on behalf of the Deputy Director, has filed comments stating that the demolition of the old structure was carried out without permission, whereupon the Authority sealed the premises through a sealing order. It is further stated that the petitioner was aware of the said sealing order. It is also pointed out that rent proceedings, including First Rent Appeals, are already pending before the competent Courts and that the petitioner has invoked the Constitutional jurisdiction of this Court despite the availability of an appropriate remedy before the competent forums. Learned Law Officer has adopted the arguments advanced in this regard and further contends that parallel proceedings in respect of the same subject matter and cause of action are not permissible under the law.

4. Heard and perused the record.

5. The controversy, insofar as the petitioner's grievance is concerned, arises in the backdrop of pending rent proceedings, including FRA Nos.199 and 204 of 2025, before the competent Courts. The petitioner has already availed the remedies available under the relevant rent laws. In these circumstances, the grievances relating to the alleged unauthorized construction and demolition, as well as the sealing of the subject property, cannot be adjudicated in the instant Constitutional petition in a manner that would result

in parallel proceedings concerning matters already pending before the competent forums.

6. The Constitutional jurisdiction of this Court under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, cannot ordinarily be invoked as an alternative to, or in parallel with, the remedies already availed before the competent forum, particularly where the controversy is pending adjudication and the petitioner has not demonstrated any exceptional circumstances warranting interference by this Court. Reliance in this regard is placed upon the case of **Province of Punjab versus Zulfiqar and 8 others, reported as PLD 2026 SC 269.**

7. For the foregoing reasons, the instant petition is not maintainable and is hereby dismissed, along with the listed applications.

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