ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI

Constitutional Petition No. D-8026 of 2018
(Abbas Ali & others versus Karachi Metropolitan Corporation & another)

Date	Order with signature of Judge

Before:
Mr. Justice Adnan-ul-Karim Memon
Mr. Justice Muhammad Jaffer Raza

Date of hearing and order: 25.9.2026

Mr. Muhammad Aqib advocate for the petitioners
Mr. Ghulam Akbar Lashari advocate for the respondent / SBCA

ORDER

Adnan-ul-Karim Memon, J. Petitioners have filed this Constitutional Petition under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, with the prayer to restrain the respondents from demolishing or damaging any legal constructions on the property as described in this petition.

2. Per learned counsel, petitioner No.1 is the owner of the subject property i.e. Flat No.115, situated on Plot No.28, Block-3. Bihar Muslim Co-operative Housing Society Ltd, whereas, petitioner No.2 is the owner of shop No.1 and shop No.A-1 on the same plot i.e. plot No.28 Block-3, Bihar Muslim Co-operative Housing Society Ltd. Counsel submits that the flat and both the shops were sub-leased in the name of Mrs. Kulsoom wife of Habib Ali and the competent authority issued the approved building plan of the subject plot. Learned counsel submits that the petitioners have purchased the subject flat and shops from the lessee through a registered Conveyance Deed and Sale Deed in respect of shops and the flat, which are enclosed alongwith memo of this petition available at page-51 and page-127. Per learned counsel, the petitioners have not encroached upon any land nor have they raised any construction in violation of the approved building plan beyond the prescribed limits as mentioned in the schedule of property in the registered sub-lease/conveyance deed/sale deeds. Counsel submits that a public notice has been issued by Respondent No.2, threatening the petitioner to demolish the subject properties of the petitioners.

3. The issue can only be resolved, if the matter is referred to the competent authority/KMC to decide the case in accordance with law after hearing the parties concerned. When confronted this position to the counsel for the parties, they agreed such disposal of the *lis* in the said terms.

4. In view of above, without touching the merits of the cases, the instant petition stands disposed of in the above terms alongwith listed/pending application(s). The competent authority of the respondents shall take pains and decide the issue in accordance with law after hearing the parties in three weeks' time.

JUDGE

JUDGE

Zahid/*