ORDER SHEET

IN THE HIGH COURT OF SINDH, KARACHI

C. P. NO. D-6349/ 2026

(Khursheed Ahmed Khan and another v. Province of Sindh & others)

Date	Order with signature of Judge

Before:-
Mr. Justice Riazat Ali Sahar
Mr. Justice Muhammad Hasan (Akber)

Date of hearing & order: 12.11.2026

None present.

ORDER

Riazat Ali Sahar, J. Through the instant constitutional petition, the petitioners have invoked the constitutional jurisdiction of this Court under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, seeking directions against the official respondents, particularly the Sindh Building Control Authority (SBCA), for taking appropriate action against the alleged unauthorized construction being raised by respondent No.6 over Plot No.D-1/B, situated at Al-Falah Housing Society, Shah Faisal Colony, Block-3, Karachi, adjacent to the residential premises of the petitioners.

2. The case of the petitioner is that respondent No.6 is raising unauthorized construction over Plot No.D-1/B, situated in Al-Falah Housing Society, Shah Faisal Colony, Block-3, Karachi, without obtaining a sanctioned building plan from the concerned authorities and in violation of the applicable building bye-laws. It is further contended that despite repeated complaints submitted to the official respondents, no effective action has been taken against the alleged illegal construction. It is added that the construction is being raised on a weak and old compound wall without providing proper structural support, thereby posing a serious threat to the safety of the petitioners and other residents of the locality.

3. The allegations raised in the instant petition, particularly regarding the absence of a sanctioned building plan, violation of building regulations, structural safety of the building, and alleged encroachment upon the rights of the petitioners, involve disputed questions of fact which cannot appropriately be determined in the exercise of constitutional jurisdiction under Article 199 of the Constitution. The photographs and documents placed on record, by themselves, are not sufficient to conclusively establish the violations or the structural condition of the building. Such questions require proper factual inquiry, technical inspection,

verification of the sanctioned building plan, and examination of the relevant record by the competent authority.

4. It is settled law that the constitutional jurisdiction of this Court is not intended to undertake a roving inquiry into disputed questions of fact, particularly where determination of such controversy requires examination of evidence and technical assessment. The petitioners have not placed sufficient material on record to establish, in an undisputed manner, that the construction in question is being carried out without lawful sanction or in violation of the applicable building regulations. Consequently, no enforceable case for the exercise of extraordinary constitutional jurisdiction has been made out.

5. In view of the foregoing, the instant constitutional petition, being founded upon disputed questions of fact and involving matters requiring factual and technical determination, is **dismissed in limine**. However, the petitioners shall be at liberty to approach the competent authority, along with relevant material, for redressal of their grievances, which shall examine the matter and take appropriate action strictly in accordance with law, if any violation is found.

6. Petition stands dismissed in the above terms.

J U D G E

J U D G E

Shahzad Soomro