

275/25

**IN THE SUPREME COURT OF PAKISTAN**  
(Appellate Jurisdiction)

**Present:**

Mr. Justice Irfan Saadat Khan  
Mr. Justice Muhammad Shafi Siddiqui

**Civil Petitions 1088-K/2023**  
**& 1089-K/2023 and C.M.As**  
**886-K/2023 and 887-K/2023**

Against the judgment dated 04.08.2023  
passed by High Court of Sindh, Karachi in  
Const. Petitions No. D-2489 and D-2202  
of 2023.

Roshan Saeed (*in Petition 1088-K/2023*)  
Muhammad Mohsin Waheed (*in Petition 1089-K/2023*) ...Petitioner(s)  
Azam Naseem & others (*in both CMAs*) ...Applicant(s)

**Versus**

Sindh Building Control Authority through Director  
General & another (*in Petition 1088-K/2023*)  
Tanveer Ahmed & others (*in Petition 1089-K/2023*)  
Sindh Building Control Authority through Director  
General & others (*in both CMAs*) ...Respondent(s)

For the Petitioner(s): Malik Khushhal Khan, ASC  
(*in both petitions*) Mr. K.A. Wahab, AOR

For the Applicant(s): Mr. Haider Waheed, ASC  
(*in both CMAs*)

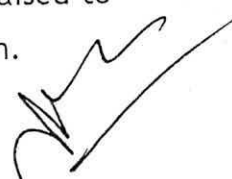
For the Respondents No.1 & 2: Dr. Rana Khan, ASC/AOR along with  
Syed Asif, Director SBICA.  
Muhammad Shahzad, Dy. Director SBICA.  
Insp. Tariq Mehmood, SHO Tipu Sultan.

Respondents No.1 to 3 In person (*in Petition 1089-K/2023*)

Date of Hearing: 03.04.2025

**ORDER**

**Irfan Saadat Khan, J.-** All the matters have been heard together. It is an admitted position that the illegal construction was raised on the plot No.B-172, Block-5, (Survey Sheet No.35/P-1), measuring 400 sq. yards situated in Karachi Administrative Cooperative Housing Society Karachi. The High Court while hearing the matters categorically observed that the illegal construction stands raised on the said plot substantially on second, third and fourth floors without an approved building plan, whereas ground and first floor were also raised to some extent in violation; basement is also in violation of approved plan.



Malik Kuhshhal Khan at this juncture stated that he has filed an application in this regard for regularization, which is available at page 63 of the file, but no action whatsoever has been taken by the Sindh Building Control Authority (SBCA) in respect of this application. Counsel appearing of SBCA stated that no such application was filed. She further states that even if it is assumed that an application for regularization of the said floors/construction has been furnished by the builder/petitioner, the same cannot be acceded to/granted since the original building plan was in respect of a bungalow consisting of ground plus first floor and violation thereon cannot be condoned. She further stated that the various reports were furnished when the matter was being heard before the High Court that whatever construction has been raised on the second, third and fourth floors in particular, were illegal and without an approved building plan.

Since it is now an admitted position that the construction raised on second, third and fourth floors were without approved building plan and illegal, the SBCA authorities are directed to demolish whatever construction is available on the said bungalow on second, third and fourth floors after fulfilling the legal and codal formalities within month time from today with compliance report to High Court.

As far as occupation of compulsory open space and other irregularities and illegalities committed by the builder in the construction of basement, ground and first floor are concerned, we direct the SBCA authorities to take up the matter in accordance with law and after providing ample opportunity of hearing to the builder as well as occupants of basement, ground and first floor, if the same could be regularizable as per Sindh Building Authority Ordinance, 1979/Karachi Building & Town Planning Regulations, 2002 the same may be regularized after taking the due fees and fulfilling the legal and codal formalities under the law and if any such construction/occupation on the basement, ground and first floor is found to be not regularizable, appropriate action in this regard would be taken by the SBCA with compliance report to High Court.

Petitions stand disposed of in the above terms.

Sd/=

Sd/=

Karachi

03.04.2025

*[Signature]*  
04-04-25

"Not approved for reporting"