

IN THE HONOURABLE HIGH COURT OF SINDH AT KARACHI

Suit No. 1267 of 2022

REGISTRAR (OS)

91-09-15-A-01

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1. **ABDUL AZIZ**

Son of Muhammad Jarneel,
Muslim, Adult,
Resident of,
Flat No. 1201, Dany Icon,
Survey No.2, Plot No. CL-8,
Main Clifton Road, Civil Lines Quarters,
Karachi.

2. **MUHAMMAD RIAZ**

Son of Abdul Razzak,
Muslim, Adult,
Resident of,
Flat No. 302, Dany Icon,
Survey No.2, Plot No. CL-8,
Main Clifton Road, Civil Lines Quarters,
Karachi.

3. **MUHAMMAD ARIF**

Son of Abdul Sattar,
Muslim, Adult,
Resident of,
Flat No. 202, Dany Icon,
Survey No.2, Plot No. CL-8,
Main Clifton Road, Civil Lines Quarters,
Karachi.

4. **FAISAL**

Son of Abdul Ghaffar,
Muslim, Adult,
Resident of,
Flat No. 604, Dany Icon,
Survey No.2, Plot No. CL-8,
Main Clifton Road, Civil Lines Quarters,
Karachi.

5. **MST. MUMTAZ**

Wife of Muhammad Shafi,
Muslim, Adult,
Resident of,
Flat No. 301, Dany Icon,
Survey No.2, Plot No. CL-8,
Main Clifton Road, Civil Lines Quarters,
Karachi.

6. **MRS. MEHWISH JAWED**

Wife of Muhammad Jawed Barkati,
Muslim, Adult,
Resident of,
Flat No. 404, Dany Icon,
Survey No.2, Plot No. CL-8,
Main Clifton Road, Civil Lines Quarters,
Karachi.

7. **MRS. AYESHA**

Wife of Muhammad Hani,
Muslim, Adult,
Resident of,



Flat No 904, Dany Icon,
Survey No 2, Plot No CL-8,
Main Clifton Road, Civil Lines Quarters,
Karachi.

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8. MST. YASMIN

W/o of Muhammad Sadq,
Muslim, Adult,
Resident of,
Flat No. 1002, Dany Icon,
Survey No.2, Plot No. CL-8,
Main Clifton Road, Civil Lines Quarters,
Karachi.

9. MRS. FATIMA RAHEEL

W/O of Raheel Muhammad Siddiq,
Muslim, Adult,
Resident of,
Flat No. 1002, Dany Icon,
Survey No.2, Plot No. CL-8,
Main Clifton Road, Civil Lines Quarters,
Karachi.

10. MST. UZMA

Wife of Imran,
Muslim, Adult,
Resident of,
Flat No. 804, Dany Icon,
Survey No.2, Plot No. CL-8,
Main Clifton Road, Civil Lines Quarters,
Karachi.

All the Plaintiffs are being represented through their authorized attorney
Mr. Abdul Aziz who is also the Plaintiff No.1.

.....PLAINTIFFS

VERSUS

1. PROVINCE OF SINDH

through Chief Secretary
Tughlaq House,
Sindh Secretariat,
Karachi.

2. SINDH BUILDING CONTROL AUTHORITY

Through its Director General,
Having office at,
Civic Centre,
Gulshan-e-Iqbal, Karachi.

3. MASTER PLAN DEPARTMENT

Through its Director General,
Having office at,
Civic Centre,
Gulshan-e-Iqbal, Karachi.

4. KARACHI METROPOLITAN CORPORATION

Through its Director Land,
Having office at Adhuma Oodharam Quarter,
Karachi.



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5. **FARHAN AHMED**
Son of Muhammed Ahmed
Muslim, Adult
Resident of,
House No. D-50, Block No. 09,
Clifton, Karachi.
6. **MUHAMMAD NAEEM**
Son of Abdul Qadir
Muslim, Adult
Resident of,
House No. 51-A-3, Street No. 09,
Syed Imam Ali Shah Road, Muslimabad,
Karachi.
7. **MUHAMMAD SALMAN**
Son of Abdul Qadir
Muslim, Adult
Resident of
House No. 51-A-3, Street No. 09,
Syed Imam Ali Shah Road, Muslimabad,
Karachi.
8. **ABDUL REHMAN**
Son of Muhammed Bha
Muslim, Adult
Resident of,
House No. 04, Plot No. 92,
Nawab Ismail Khan Road,
Jamshed Road, Karachi.

..... DEFENDANTS

SUIT FOR DECLARATION, CANCELLATION AND PERMANENT
INJUNCTION.



ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI

Sult No. 1267 of 2022

Order with signature of Judge(s)

1. For orders on CMA No.12605/2022 (Urgent Application)
2. For orders on CMA No.12606/2022 (U/O XXXIX Rules 1 & 2 CPC)
3. For orders on CMA No.12607/2022 (U/O XVIII Rule 18 CPC)
4. For orders on CMA No.12608/2022 (U/S 94 CPC)

31.08.2022

Mr. Muhammad Ahmed Masood, Advocate for the plaintiffs

1. Urgency granted.

2-4. Learned counsel for the plaintiffs submits that the plaintiffs are residents of building constructed on Survey No.2, Survey Sheet No.CL-8, admeasuring 2820.50 square yards, situated at Main Clifton Road, Civil Lines, Karachi in respect of which approval plan was issued to the defendant Nos.5 to 8 and made available page 271, which shows that the complex to possess 15 floors, out of which an air raid shelter (parking) was to be made in the basement, whereas, ground floor was designated as recreational area/parking, and provision for a small shop was also made, whereas first and second floors were designated as parking and 3rd to 15th floors were reserved for residential flats. Counsel states that even till date, status of the land in question still appears to be residential, as evident from the letter issued from SBCA approval at page 69. Notwithstanding therewith, counsel states that the said project has been occupied by the residents for quite some time, however defendant Nos.5 to 8 are not permitting the residents to park their vehicles in the basement/ground floor, which was designated for the parking and these acts of private defendant has caused blockage, restricting access of the residents to their flats. Learned counsel states that the defendants in utter violation of the approved building plan, where only a small shops of 27.3X20.8 feet for the basic necessities of the residents of the



apartment was to be established, are creating 5 shops encroaching upon the area of ground floor designated for amenity purpose. Counsel states that construction work is in full swing for constructing such illegal commercial outlets, which would cause serious inconvenience to the residents as well as infringe their rights, notwithstanding therewith, would cause serious traffic congestion on the main road, as the arcade made available in front of the building is only 8 feet wide. A request is made that such gross illegality be arrested by this Court.

Issue notice to the defendants as well as A.G Sindh for 04.10.2022. In the meanwhile, defendant Nos.5 to 8, their nominees or agents are restrained from making any construction, including construction of shops in violation of the approved building plan, as available at page 271 and 273, as well as, if there is any area, which is designated for community purpose, or parking, the same be made available to the residents as per the approved building plan, as well as no third party interest of any commercial be created on the shops being constructed on the ground floor. Nazir is directed without notice to inspect the premises and file report within a week's time at the cost of Rs.35,000/-.



Nazir

Sgt Zulhijja Alewad Kwari
Judge

B-K Soomro