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Regular Bench Matter U/A 199(1)(a)(ii)

18 APR 2025

Handled on

~~Additional Registry Unit~~

1946

- Additional Page
1. **Public Interest Law Association of Pakistan**
Society Registered under Societies Act, 1860,
Through its authorized representative Syed Nawazish Ali,
Having office at Plot# 18-C, 2nd Floor, Office No. 202,
Zamzama Lane#2, D.H.A,
Karachi
 2. **Citizens for a Better Environment (Shehri)**
Society Registered under Societies Act, 1860,
Through its General Secretary Amber Alibhai
Having its office at 88-R, Block-2, P.E.C.H.S.,
Karachi
 3. **Mr. Sohail Osman Ali s/o Shujat Osman Ali**
R/o House No.F-38
Feroz Nana Road, Bath Island,
Karachi
 4. **Mr. Shahid Abdulla s/o Abdulla Abdul Razzaq**
R/o House No.5, Street No.9,
Mohallah PAF Falcon Complex, Karachi
 5. **Ms. Rabia Azfar Nizami w/o Azfar Mahmud Nizami**
R/o 125/B/1, Street 33
Khiyaban-e-Muhafiz, DHA Phase 6,
Karachi
 6. **Mr. Kamran Idrees Allawala s/o Muhammad Idrees Allawala**
R/o House No.56, Faran Housing Society
Hyder Ali Road,
Karachi
 7. **Ms. Aziz Fatima d/o Abdul Majeed**
R/o House No. A-62, Gali No.5
Block-N, North Nazimabad,
Karachi
- PETITIONERS

Versus

- 1. Province of Sindh**
Through Secretary, Local Government Department
Ground Floor, Tughlaq House,
Sindh Secretariat, Saddar,
Karachi

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2. **Sindh Building Control Authority (SBCA)**
Through Director General, Civic Centre,
Karachi
 3. **Karachi Metropolitan Corporation (KMC)**
Through Municipal Commissioner,
KMC Head Office, Saddar,
Karachi
 4. **Karachi Development Authority (KDA)**
Through Director General, Civic Centre,
Karachi
 5. **Pakistan Railways**
4th Floor, Block D Pak. Secretariat
Islamabad.
 6. **Malir Development Authority**
G-4/B, Block-17 Gulshan-e-Iqbal,
Karachi,
 7. **Lyari Development Authority**
Forth Floor, Left Wing, Civic Center, University Road,
Karachi
 8. **Ministry of Housing and Works (MOHW)**
Through its Secretary
B-Block, Pakistan Secretariat, Red Zone,
Islamabad
 9. **Sindh Masterplan Authority (SMPA)**
Through its Senior Director
9th Floor, Civic Centre,
Karachi

..... RESPONDENTS

**PETITION UNDER ARTICLE 199(1)(a)(ii) OF THE CONSTITUTION OF
THE ISLAMIC REPUBLIC OF PAKISTAN**

RESPECTFULLY SHEWETH:

1. That the Petitioners No. 1 and 2 are societies registered under the Societies Registration Act, 1860 engaged in activities to build civil society and to actively seek to preserve the residential character and integrity of neighborhoods. The Petitioners No. 3 to 7 are the concerned citizens of Pakistan from different areas of Karachi who are directly affected by the Karachi Building and Town Planning Regulations, 2002 (Amendment), Act 2025 impugned under this Petition. The instant Petition is being filed by authorized representative of the Petitioners No.1 and 2 and Petitioners No. 3 to 7 in person.

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(Copy of Memorandum of Association of Petitioners No. 1 and 2 and Board Resolutions of Petitioners No. 1 and 2 in favor of authorized representatives are attached herewith and marked as Annexure "A-1 to A-[4]")

2. That Respondent No. 1 is a department of the Government of Sindh entrusted with promoting good governance, ensuring effective service delivery, and fostering transparency in decision-making through institutionalized public participation. The Respondent No. 2 is a statutory authority constituted under the Sindh Building Control Authority Ordinance, 1979 which has issued the Impugned 2025 Amendment. The Respondents No. 3, 4, 5, 6, 7, and 8 are lessors of commercial and residential leases for land in Karachi. The Respondent No.9 is an authority established by the Government of Sindh responsible for developing and implementing comprehensive plans for long-term urban growth and development in Karachi.
3. That the Petitioners, through the instant Petition, has challenged the Karachi Building and Town Planning Regulations, 2002 (Amendment), Act 2025 (**"Impugned 2025 Amendment"**), amending the Karachi Building and Town Planning Regulations, 2002 (**"KBTPR 2002"**), as notified by Respondent No. 2 through Notification dated 13.3.2025 bearing No. SBCA/PS to DG/2025/18 as being without lawful authority, contrary to law, and in violation of the statutory framework of its parent statute i.e. the Sindh Building Control Ordinance, 1979 (**"the 1979 Ordinance"**). The Impugned 2025 Amendment, being a form of delegated legislation, exceeds the scope and object of its parent statute and therefore, the Petitioners seeks the intervention of this Hon'ble Court under Article 199(1)(a)(ii) of the Constitution of the Islamic Republic of Pakistan, 1973.

(The Impugned 2025 Amendment is attached herewith and marked as Annexure "B")

4. By way of the Impugned 2025 Amendment, Respondent No. 2 has acted in excess of its lawful authority and has transgressed the limits prescribed by the

parent statute. The Impugned 2025 Amendment has altered the regulatory framework by introducing the following key changes:

- i. The scope of 'Residential use' under Regulation 19.2.1 of the KBTPR 2002 has been expanded to now include 'Recreational Use', 'Health & Welfare use', and 'Education use'. Previously, 'Health & Welfare uses' and 'Education uses' were permissible on Amenity Plots under Regulation 2.7 of the KBTPR 2002 whereas the newly inserted 'Recreational Use' vide Regulation 19.2.2.13, which includes but is not limited to cafes, food courts, restaurants etc., did not appear anywhere in either the KBTPR 2002 or the parent statute i.e. the 1979 Ordinance.
- ii. The scope of 'Commercial use' under Regulation 2.34 of the KBTPR 2002 has been redefined to now include 'residential-cum-commercial use'. More importantly, it expressly excludes 'recreational use' therefrom ensuring that 'recreational use' is not classified as commercial and stays exclusively within the 'residential use' classification.
- iii. Use of residential plots has been expanded to now include 'recreational use', subject to a minimum plot size of 400 square yards and minimum road width of 60 feet. Significantly, there is now no requirement for 'inviting public objections' before residential plots are put to such 'recreational use', effectively rendering the 'procedure for change of land use' mechanism provided under Regulation 18-5 as redundant.

5. That it is not within the Respondent No. 2's mandate, as per the 1979 Ordinance, to undertake land use classification. Yet, it has attempted to do precisely the same vide the Impugned 2025 Amendment by tampering with the definition of 'residential use' and by stretching the use of 'residential plots' to include 'recreational use' therein. Further, Respondent No. 2, acting with *mala fide* intent, has amended the definition of 'Amenity Plot' by removing 'Health and Welfare uses' and 'Education uses' with the apparent objective of

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incorporating these uses under the definition of 'Residential uses.' Impugned 2025 Amendment, being delegated legislation, is clearly not consistent with the provisions of its parent statute as is required under section 21-A(1) of the 1979 Ordinance and therefore the same, being without lawful authority, is liable to be struck down.

6. That as per Regulation 18.4.2 of the KBTPR 2002, change in land use is to be allowed on the recommendation and approval of 'competent authority', which as per Schedule 1-A of the KBTPR 2002 includes lessors of such land. However, as a result of the Impugned 2025 Amendment, land which was once granted for 'residential use' for occupation as a home or dwelling, can now be used for 'recreational' purpose as a café or restaurant. This clearly steps on the authority of lessors such as Respondents No. 3 to 7 who grant leases and licenses for land containing restrictive covenants pertaining to change of land use. Even otherwise, KBTPR 2002 itself provides for restrictive covenants that SBCA has to follow on land that it approves building plans for. However, the Impugned 2025 Amendment by expanding the definition of 'residential use' has made its own restrictive covenants redundant. Since the Respondent No. 2 does not possess any statutory or legal authority to alter the designated use of land or override the terms of existing lease deeds, the Impugned 2025 Amendment is an overreach and therefore liable to be set aside.

7. That the Respondent No.2's back hand attempt to creep in commercial activities into purely residential neighborhoods vide the Impugned 2025 Amendment has muddled the distinction between residential and commercial plots and has severely undermined the rights and expectations of occupants of such residential areas. A map of Karachi depicting the areas likely to be affected by the 2025 Amendment, is annexed herewith for ease of reference along with a map of P.E.C.H.S. as an example to show how commercial activities in a residential neighbourhood adversely affect quality of life in such communities.


(The copy of map of Karachi and the copy of map of P.E.C.H.S are attached herewith and marked as Annexures "C and C-1")

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8. That seriously aggrieved by the Impugned 2025 Amendment, the Petitioners prefers the instant petition on the basis of grounds enumerated below.


GROUNDS

- A. That Section 19-A of the Sindh General Clauses (Amendment) Ordinance, 2002 ("Sindh General Clauses Act"), provides that: *"All rules, notifications, orders, regulations and circulars having the effect of law made or issued under any enactment shall be published in the official Gazette."* As the Impugned 2025 Amendment has the effect of law, it must be published in the official Gazette to ensure transparency, good governance, and to inspire public confidence. Since the Impugned Amendment was not published accordingly, it is liable to be struck down.
- B. That while the preamble of a statute is not an operative part, it is a well-established principle that serves as a useful guide to ascertain the legislative intent. The preamble of the 1979 Ordinance reads: *"Whereas it is expedient to regulate the town planning, quality of construction and buildings control, prices charged and publicity made for disposal of buildings and plots by builders and societies and demolition of dangerous and dilapidated buildings in the Province of Sindh."* It is evident that the legislative scope of the 1979 Ordinance is confined to approving building plans, demolition, quality and supervision of construction, structural safety, and licensing of professionals such as architects and engineers. It does not extend to matters of broader town planning such as land use classification, zoning regulations, etc. Since the Impugned 2025 Amendment attempts to reclassify commercial land use as residential by distorting the definition of 'residential use', the same clearly falls *ultra vires* the 1979 Ordinance. It is a settled principle that what cannot be done directly cannot be done indirectly; similarly, powers not possessed by a body cannot be conferred or delegated to it. Accordingly, the Impugned 2025 Amendment is liable to be struck down.

C. That delegated legislation cannot exceed the scope of its parent legislation. 

Section 6 of the 1979 Ordinance does not empower the Respondent No. 2 to approve or reject changes in land use—whether residential, commercial, or industrial—which remains the prerogative of the lessor. Therefore, the attempt vide delegated legislation of Impugned 2025 Amendment to change land use by expanding the definition of ‘residential use’ to include commercial activities therein is clearly unlawful and therefore liable to be declared void.

D. The Impugned 2025 Amendment is in violation of section 6(1) of the 1979 Ordinance as it paves way for change of complexion and character of originally proposed construction. That is an under hand way of giving legal cover to commercial establishments functioning in residential areas of Karachi and therefore in essence, akin to ‘regularizing’ the admitted existing violation of residential leases and land use prohibitions contained within the KBTPR 2002 itself. Accordingly, the Impugned 2025 Amendment, being unlawful and in violation of the 1979 Ordinance, is liable to be struck down.

E. The Impugned 2025 Amendment violates Section 6(3) and 6(4) of the 1979 Ordinance by rendering the same redundant as it permits an existing building to be used for a purpose other than that for which its plans were approved. Since powers conferred under a Regulation, being delegated legislation, cannot go beyond the perimeters of the statute under which such regulations are passed, the Impugned 2025 Amendment is liable to be set aside. 

F. The Respondent No. 2’s back hand inclusion of commercial activity within the definition of ‘residential uses’ not only alters the regulatory framework governing land use but also contravenes established principles and binding judicial precedents concerning urban planning and land classification laid down by the Superior Courts of Pakistan.

G. That the Impugned 2025 Amendment is self-contradictory. Regulation 18-4.2.1 states: “*Change of land use of residential plots: No residential plot*

shall be converted into any other use except with the approval of the Master Plan Department, Sindh Building Control Authority after the recommendations of the Concerned Authority." The term "Concerned Authorities" is defined in Schedule 1A of KBTPR 2002. Therefore, the amendment to Regulation 18-4.2.2, which omits key procedural safeguards, appears to have been made in bad faith to facilitate unchecked commercial use of residential plots for the benefit of select parties and is therefore liable to be struck down.

H. That the deletion of the phrase "after inviting public objections" from Regulation 18-4.2.2 through the Impugned 2025 Amendment deprives the public of their right to participate in building the social fabric of residential neighborhoods, which is a vital component of lawful urban planning. The said deletion demonstrates *mala fide* as it carves a passage for those seeking to exploit residential properties for commercial use/ recreational use by circumventing due process thereby rendering the Impugned 2025 Amendment as illegal and unconstitutional.

I. The Impugned 2025 Amendment has rendered Regulation 18.5 of the KBTPR 2002, which deals with procedure for conversion of residential plot into commercial, as redundant as the new definition of 'residential use' automatically allows commercial activities therefrom. Such an attempt to unilaterally alter land use without any due process or safeguards in place is in contradiction with the KBTPR 2002 itself and therefore liable to be struck down.

J. The Impugned 2025 Amendment attempt to blur lines between amenity, residential and commercial use of plots by effectively permitting the utilization of residential plots for commercial activities is not only illogical but also contrary to regulatory intent. This will most certainly lead to further chaos in the already dysfunctional town planning and zoning regulations, and ultimately defeat the very purpose of designating plots for different use. Accordingly, the Impugned 2025 Amendment is liable to be set aside.


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K. The Impugned 2025 Amendment threatens the very character of residential neighborhoods and is violative of Article 9, 9-A and 14 of the Constitution of the Islamic Republic of Pakistan ("Constitution") where residents have an inherent right to privacy and to a peaceful, safe and healthy environment. The unilateral expansion of definition of 'residential use' to include 'recreational use' not only disintegrates the very concept of a private, safe and nurturing residential neighborhood for families but also adversely affects their quality of life by putting a strain on amenities such as electricity, gas, water, sanitation and congestion-free clean air due to café and restaurants now being able to operate from residential plots in residential neighborhoods. The Impugned 2025 Amendment is therefore in violation of the Constitution and liable to be set aside.

L. That the Petitioners craves the leave of this Court to raise further grounds at the time of hearing of this Petition

P R A Y E R

In view of the above, the Petitioners respectfully prays that this Hon'ble Court may be pleased to:

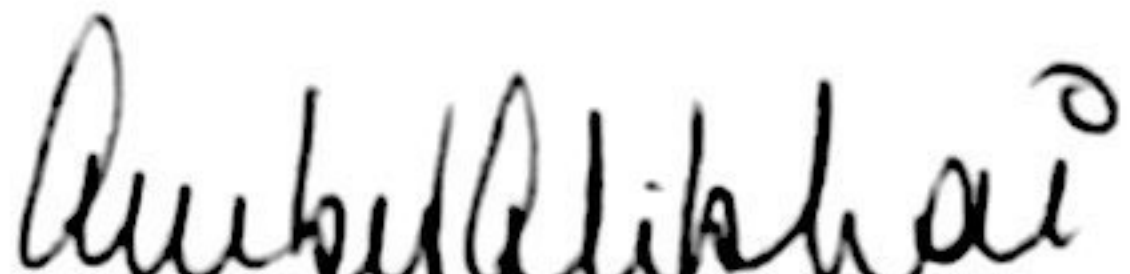
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- i. Declare that the Impugned 2025 Amendment issued through Notification No. SBCA/PS to DG/2025/18 dated 13.3.2025 is *ultra vires* its parent statute i.e. the 1979 Ordinance and therefore, is void ab initio, without lawful authority and of no legal effect;
 - ii. Declare any actions taken / decisions made, NOCs /permissions/approvals/regularizations granted pursuant to the Impugned 2025 Amendment as illegal, void and of no legal effect;
 - iii. Grant costs of the Petition;
 - iv. Grant any other relief which this Hon'ble Court deems appropriate in the facts of the case;

iv. Grant any other relief which this Hon'ble Court deems appropriate in the facts of the case;

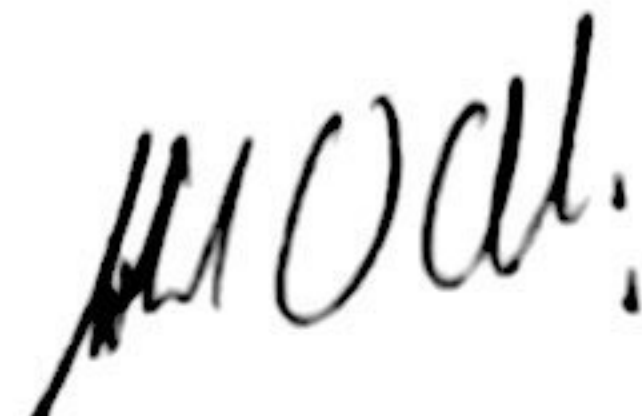




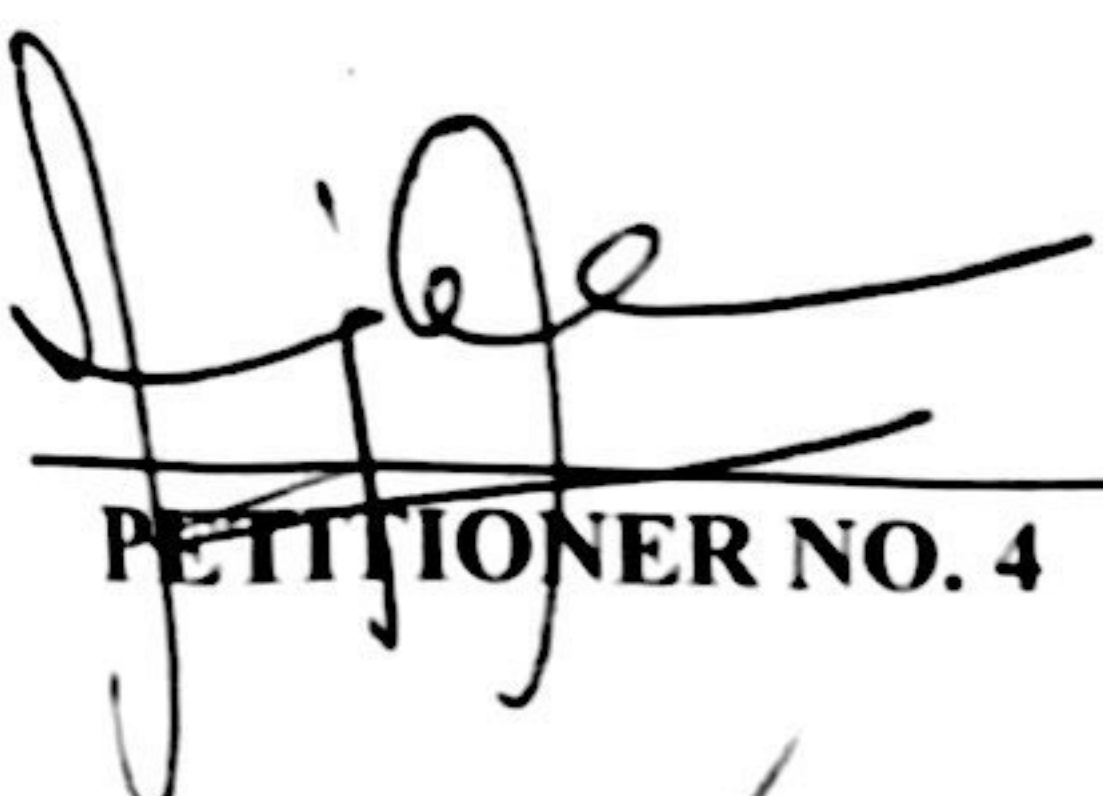
PETITIONER NO. 1



PETITIONER NO. 2



PETITIONER NO. 3



PETITIONER NO. 4



PETITIONER NO. 5



PETITIONER NO. 6



PETITIONER NO. 7

Karachi
Dated:



ADVOCATE FOR THE PETITIONERS

VERIFICATION

I, **Syed Nawazish Ali s/o Syed Hyder Hussain**, resident of House No. 803, Sector 16-A, Bufferzone, North Nazimabad Town, Karachi, Muslim, adult, do hereby affirm that I am the lawfully authorized representative of the Petitioner No. 1 and all that is mentioned herein above is true and correct to the best of my knowledge and belief. All legal averments are as per the advice of my counsel which advice I verily believe to be correct.


14/4/25

ASSISTANT REGISTRAR
AFFIDAVIT & IDENTITY BRANCH
High Court of Sindh
Karachi



DEPONENT

VERIFICATION

I, **Amber Alibhai w/o Shabbir Ali bhai**, office at 88-R, Block-2, P.E.C.H.S, Karachi, Muslim, adult, do hereby affirm that I am the lawfully authorized representative of the Petitioner No. 2 and all that is mentioned herein above is true and correct to the best of my knowledge and belief. All legal averments are as per the advice of my counsel which advice I verily believe to be correct.


14/4/25

ASSISTANT REGISTRAR
AFFIDAVIT & IDENTITY BRANCH
High Court of Sindh
Karachi



DEPONENT

VERIFICATION

I, **Sohail Osman Ali** s/o **Shujat Osman Ali**, resident of House No. F-38, Feroz Nana Road, Bath Island, Karachi, Muslim, adult, do hereby affirm that I am the Petitioner No. 3 and all that is mentioned herein above is true and correct to the best of my knowledge and belief. All legal averments are as per the advice of my counsel which advice I verily believe to be correct.

Karachi

Dated:



[Signature]
DEPONENT

19/4/25
ASSISTANT REGISTRAR
AFFIDAVIT & IDENTITY BRANCH
High Court of Sindh
Karachi

VERIFICATION

I, **Shahid Abdulla** s/o **Abdulla Abdul Razzaq**, resident of House No.5, Street No. 9, Mohallah PAF Falcon Complex, Karachi, Muslim, adult, do hereby affirm that I am the Petitioner No. 4 and all that is mentioned herein above is true and correct to the best of my knowledge and belief. All legal averments are as per the advice of my counsel which advice I verily believe to be correct.

Karachi

Dated:

[Signature]
DEPONENT

19/4/25
ASSISTANT REGISTRAR
AFFIDAVIT & IDENTITY BRANCH
High Court of Sindh
Karachi

VERIFICATION

I, **Rabia Azfar Nizami** w/o **Azfar Mahmud Nizami**, resident of 125/B/1, Street 33, Khayaban-e-Muhafiz, DHA Phase 6, Karachi, Muslim, adult, do hereby affirm that I am the Petitioner No. 5 and all that is mentioned herein above is true and correct to the best of my knowledge and belief. All legal averments are as per the advice of my counsel which advice I verily believe to be correct.

Karachi

Dated:

[Signature]
DEPONENT

19/4/25
ASSISTANT REGISTRAR
AFFIDAVIT & IDENTITY BRANCH
High Court of Sindh
Karachi

VERIFICATION

I, **Kamran Idrees Allawala** s/o **Muhammad Idrees Allawala**, resident of House No.56, Faran Housing Society Hyder Ali Road, Karachi, Muslim, adult, do hereby affirm that I am the Petitioner No. 6 and all that is mentioned herein above is true and correct to the best of my knowledge and belief. All legal averments are as per the advice of my counsel which advice I verily believe to be correct.

Karachi

Dated:

[Signature]
DEPONENT

19/4/25
ASSISTANT REGISTRAR
AFFIDAVIT & IDENTITY BRANCH
High Court of Sindh
Karachi

VERIFICATION

I, **Aziz Fatima** d/o **Abdul Majeed**, resident of House No. A-62, Gali No. 5 Block-N, North Nazimabad, Karachi, Muslim, adult, do hereby affirm that I am the Petitioner No. 7 and all that is mentioned herein above is true and correct to the best of my knowledge and belief. All legal averments are as per the advice of my counsel which advice I verily believe to be correct.

Karachi

Dated:

[Signature]
DEPONENT

19/4/25
ASSISTANT REGISTRAR
AFFIDAVIT & IDENTITY BRANCH
High Court of Sindh
Karachi

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ANNEXURES FILED:

Annexures "A" to "C"

DOCUMENTS RELIED UPON:

All Annexures

ADDRESS OF THE APPELLANT FOR SERVICE:

FGE EBRAHIM HOSAIN
Barristers, Advocates &
Corporate Legal
Consultants, F-67, Clifton,
Block 5, Karachi.

ADDRESS OF THE RESPONDENT FOR SERVICE:

As per the title of the Appeal

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IN THE HON'BLE HIGH COURT OF SINDH AT KARACHI

Constitutional Petition No. D -

of 2025

Public Interest Law Association of Pakistan & others

Petitioners

Versus

Province of Sindh & others

...

Respondents

**APPLICATION UNDER ARTICLE 199 OF THE CONSTITUTION OF THE
ISLAMIC REPUBLIC OF PAKISRAAN READ WITH ORDER XXXIX RULE 1
& 2 OF CPC 1908**

It is most respectfully prayed on behalf of the Petitioners above named that for the reasons and grounds stated in the accompanying affidavit, this Hon'ble Court may be pleased to suspend the Impugned 2025 Amendment vide Notification dated 13.3.2025 bearing No. SBGA/PS to DG/2025/18 till the pendency of the instant petition.

It is further most respectfully submitted that Ad interims Orders may graciously be granted.

Karachi.
Dated:



ADVOCATE FOR THE PETITIONERS



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IN THE HON'BLE HIGH COURT OF SINDH AT KARACHI

Constitutional Petition No. D -

of 2025

Public Interest Law Association of Pakistan & others

Petitioners

Versus

Province of Sindh & others

...

Respondents

**AFFIDAVIT IN SUPPORT OF APPLICATION UNDER ARTICLE 199 OF
THE CONSTITUTION OF THE ISLAMIC REPUBLIC OF PAKISRAAN READ
WITH ORDER XXXIX RULE 1 & 2 OF CPC 1908**

I, Syed Nawazish Ali, son of Mr. Syed Hussain Haider, Muslim, adult, resident of House No. R-308, Sector 16-A, Bufferzone, North Nazimabad Town, Karachi do hereby state on oath as under:

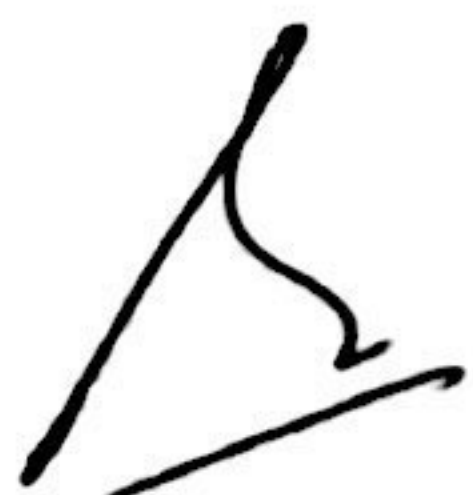
1. That I am the authorized representative of Petitioner No. 1 of the instant Petition and am fully conversant with the facts of the case and authorized to swear this affidavit.
2. That the accompanying application under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973 read with Order XXXIX Rule 1 & 2 CPC 1908 has been drafted under my instructions, the contents whereof are true and correct. For the sake of brevity, it is prayed that the contents of the petition may be read as a part and parcel of this affidavit.
3. That on 13.3.2025, Respondent No. 2, vide Notification No. SBCA/PS to DG/2025/18, promulgated the Karachi Building and Town Planning Regulations, 2002 (Amendment), 2025 ("Impugned 2025 Amendment"). The said amendment, being without lawful authority, contrary to law, and in violation of the statutory framework of its parent statute, namely the Sindh Building Control Ordinance, 1979 (the "1979 Ordinance"), amended the Karachi Building and Town Planning Regulations, 2002 ("KBTPR 2002") in a manner that exceeds both the scope and

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ASSISTANT REGISTRAR.
AFFIDAVIT & IDENTITY BRANCH
High Court of Sindh
Karachi

object of the 1979 Ordinance. Accordingly, the Impugned 2025 Amendment is ultra vires the parent statute and is liable to be declared void and struck down.

4. That while the preamble of a statute is not an operative part, it is a well-established principle that serves as a useful guide to ascertain the legislative intent. The 1979 Ordinance clearly limits the scope of the SBCA to building control functions such as plan approval, demolition, structural safety, and construction quality. It does not extend to broader town planning matters such as zoning or land use classification. The Impugned 2025 Amendment alters the definition of 'residential use' to include commercial activity, which exceeds this mandate and is therefore ultra vires. It is a settled principle that what cannot be done directly cannot be done indirectly; similarly, powers not possessed by a body cannot be conferred or delegated to it. Accordingly, the Impugned 2025 Amendment is liable to be struck down.
5. That the deletion of the phrase "after inviting public objections" from Regulation 18-4.2.2 removes an essential safeguard and deprives the public of its right to participate in lawful urban planning. This deletion facilitates the commercial exploitation of residential properties and reflects *malafide* intent of Respondent No.2, rendering the Impugned 2025 Amendment unlawful and unconstitutional.
6. That the Impugned 2025 Amendment infringes upon Articles 9, 9-A, and 14 of the Constitution, which guarantee the rights to life, dignity, and a secure living environment. The expanded definition of 'residential use' to include 'recreational use' compromises privacy, safety, and the character of residential areas. It also places an undue burden on amenities such as electricity, water, sanitation, and air quality due to increased commercial activity. The Impugned 2025 Amendment is therefore in violation of the Constitution and liable to be set aside.
7. The Impugned 2025 Amendment has rendered Regulation 18.5 of the KBTPR 2002, which deals with procedure for conversion of residential plot into commercial, as redundant as the new definition of 'residential use' automatically allows commercial activities therefrom. Such an attempt to unilaterally alter land

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ASSISTANT REGISTRAR,
AFFIDAVIT & IDENTITY BRANCH
High Court of Sindh
Karachi

use without any due process or safeguards in place is in contradiction with the KBTPR 2002 itself and therefore liable to be struck down.

8. The Impugned 2025 Amendment attempt to blur lines between amenity, residential and commercial use of plots by effectively permitting the utilization of residential plots for commercial activities is not only illogical but also contrary to regulatory intent. This will most certainly lead to further chaos in the already dysfunctional town planning and zoning regulations, and ultimately defeat the very purpose of designating plots for different use. Accordingly, the Impugned 2025 Amendment is liable to be set aside.
9. That in view of the above it is submitted, that the Petitioners have a good prima facie case and the balance of convenience also lies in their favour. That unless the accompanying application under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973 read with Order XXXIX Rule 1 & 2 CPC 1908 is granted, the Petitioners will be severely prejudiced and suffer irreparable harm and injury.
10. That whatever is stated herein above is true and correct to the best of my information, knowledge and belief. All legal submissions are as per advice of counsel, which advice I verily believe to be correct.

Karachi.
Dated:

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DEPONENT

19/4/25
ASSISTANT REGISTRAR
AFFIDAVIT & IDENTITY BRANCH
High Court of Sindh
Karachi