

IN THE HIGH COURT OF SINDH AT KARACHI

Constitutional Bench Matter

CP No. D-: _____ of 2026

1. **Muhammad Farooq**,
Son of Muhammad Ibrar Khan,
Muslim, Adult, Member Provincial Assembly of Sindh,
PS-91, District Korangi, Karachi,
Parliamentary Leader of Jamaat-e-Islami,
Office at Sindh Assembly, Karachi.

2. **Irfan Ahmed Allahwala**,
Son of Ikhlas Ahmed Allahwala,
Muslim, Adult, Chairman Union Council No. 2,
PECHS-II, Karachi East,
Office at Union Committee no.2, Adjacent to Hill Park, Main
Shaheed-e-Millat Rd, Karachi

3. **Taimoor Ahmed**, Son of Tanveer Ahmed,
(Attorney of Petitioner No. 1 & 2 and Co-Petitioner)
Muslim, Adult, Office at Room no.9,
2nd Floor, KMC Building, MA Jinnah Road,
KarachiPetitioners

VERSUS

1. **Province of Sindh**
Through Secretary, Local Government and Housing & Town
Planning (HTP) Department
Office at Sindh Secretariat, Karachi

2. **Karachi Metropolitan Corporation (KMC)**
Through its Municipal Commissioner,
Office at KMC Main Building, M.A. Jinnah Road, Karachi.

3. **The Mayor, of Karachi**
Office at KMC Main Building, M.A. Jinnah Road, Karachi

4. **The Director General (Parks & Horticulture),**
Karachi Metropolitan Corporation,
Office at Frere Hall,
Fatima Jinnah Road,
Karachi. Respondents.

**CONSTITUTIONAL PETITION UNDER ARTICLE 199 (1)(a)(i)
AND (1)(b)(ii) OF THE CONSTITUTION OF PAKISTAN 1973**

RESPECTFULLY SHOWETH:

1. That Petitioner No. 1, Mr. Muhammad Farooq, is a Muslim adult citizen of Pakistan and is the duly elected Member of the Provincial Assembly of Sindh from Constituency PS-91, District Korangi, Karachi. He is also the Parliamentary Leader of Jamaat-e-Islami in the Sindh Assembly. The Petitioner is a law-abiding citizen and is entitled to all fundamental rights guaranteed under Chapter-I, Part-II of the Constitution of the Islamic Republic of Pakistan, 1973, including the right to life (Article 9), equal protection of law (Article 25), and the right to be dealt with in accordance with law (Article 4). That Petitioner No. 2, is a duly elected Chairman of Union Council No. 2, PECHS-II, Town Municipal Corporation, Chanesar East, returned at the Local Government Elections held in Sindh Province, as notified by the Election Commission of Pakistan vide Notification No. F.3(6)/2023-LGE-(S) dated 05th June, 2023 and related notifications. Petitioner No. 3, is also a member City council, KMC, Co-files this petition as a responsible member of the City Council KMC, also acts as an attorney of the petitioner No. 01. **Copy of power of attorney and copy of the relevant ECP notifications attached herewith and marked as Annexure.**
2. That Karachi Metropolitan Corporation (KMC), is a local government body established under the Sindh Local Government Act, 2013 ("SLGA 2013"), responsible for the management, protection, maintenance, and development of public open spaces, parks, and recreational areas within the metropolitan limits of Karachi. KMC is the custodian and managing authority of Hill Park. It is through the instrumentality of KMC's officers that the impugned NOCs have been issued, permitting construction within a designated public park in direct violation of binding judicial orders of the superior courts.

3. That Respondent No. 3, the Mayor of Karachi, is the elected head of the Karachi Metropolitan Corporation and presides over the City Council. It is his constitutional and statutory obligation to ensure that KMC acts strictly within the bounds of law, complies with judicial orders of the superior courts, and does not permit the alienation or commercialisation of public open spaces for private benefit. Respondents No. 2 and 4 are officials of KMC and work under the administration and supervision of the Mayor of Karachi.
4. That Hill Park is a designated public open space and recreational park, admeasuring approximately 62 (sixty-two) acres, situated in Scheme 33, PECHS, Karachi. Hill Park has served for decades as a public park for the citizens and residents of Karachi and constitutes one of the last remaining large urban green spaces in the city. It is designated as a public open space under the Master Plan and applicable statutory frameworks and is subject to the protection of several binding judgments of the Honourable Supreme Court of Pakistan and the Honourable High Court of Sindh.
5. That the Honourable Supreme Court of Pakistan and the Honourable High Court of Sindh have, in numerous authoritative judgments and orders including petitions specifically filed by civil societies expressly prohibited any construction, commercialisation, or encroachment upon designated public open spaces and parks in Karachi, and have directed that such spaces be preserved and maintained exclusively for public recreational use. The Respondents, as statutory public authorities, are constitutionally and legally bound to comply with and enforce these orders.
6. That notwithstanding the foregoing constitutional and judicial safeguards, Respondent No. 2 procured the issuance of a

Conditional NOC bearing No. KMC.DDL/36/2026 dated 30-04-2026 issued by the Deputy Director (Land), KMC, as well as another NOC bearing No. DL/KMC/232/2026 dated 22-04-2026 issued by the Director (Land), KMC, both pertaining to Plot No. 39-G-4, Block-6, PECHS Society, Karachi, ostensibly permitting construction/boundary wall work at Hill Park. The said NOCs have been issued in clear disregard and defiance of binding directions passed by the Honourable Superior Courts, thereby amounting to an unlawful authorization for undertaking construction activities within a protected public park. That pursuant to the impugned NOCs, illegal construction activities have been commenced and are presently ongoing at Hill Park, including excavation work, erection of boundary walls, and allied construction operations. That further, within the said premises, commercial activities are being unlawfully conducted for private profit within a public space, notwithstanding that such use has repeatedly been declared illegal by the Honourable High Courts as well as the Honourable Supreme Court of Pakistan. Despite clear and categorical judicial pronouncements, the concerned authorities have turned a blind eye to such violations. A private entity is operating an indoor sports arena at the hilltop of the park, and charges a fee of Rs. 8,000/- per two-hour slot, as reflected from the receipts of the State Commercial Complex, which is in direct contravention of the directions of the Honourable Apex Court. **Copies of the said NOCs and Photographs and video footage evidencing ongoing construction activity at the site are annexed herewith and marked as Annexure P/4.**

7. That the impugned NOCs, if allowed to sustain, will result in irreversible damage to the subject public open space, the permanent loss of irreplaceable urban recreational land, and the destruction of public rights that cannot be adequately compensated in monetary terms. The harm to constitutional

rights is not speculative but is presently manifesting and will become irreparable unless this Honourable Court intervenes urgently.

8. That the Petitioners have no other adequate or efficacious remedy available except to invoke the extraordinary constitutional jurisdiction of this Honourable Court under Article 199 of the Constitution of Pakistan, 1973. The cause of action is continuing and of public importance, necessitating urgent judicial intervention to preserve Hill Park from irreversible damage.
9. That the impugned NOCs and the ongoing construction at Hill Park directly violate the Fundamental Rights of the citizens of Karachi including the Petitioners, guaranteed under the Constitution of the Islamic Republic of Pakistan, 1973, including but not limited to: (a) Article 9 - Right to Life: the superior courts have consistently held that the right to life includes the right to a clean and healthy environment and access to public open recreational spaces; (b) Article 14 - Inviolability of Dignity: the deprivation of public parks degrades the quality of life and dignity of urban citizens; and (c) Article 25 - Equality Before Law: the citizens of Karachi are entitled to equal benefit of the judicial protections afforded to public open spaces, which the Respondents have selectively and arbitrarily disregarded.
10. That the right to a clean and healthy environment is an intrinsic and inalienable component of the fundamental right to life under Article 9 of the Constitution, as authoritatively expounded by the Honourable Supreme Court and High Courts in numerous landmark environmental and public interest cases concerning urban open spaces in Pakistan. The construction activities being permitted at Hill Park through the

impugned NOCs constitute a direct and irreversible assault upon this constitutionally recognised right.

11. That there exist binding judgments and orders of the Honourable Supreme Court of Pakistan and this Honourable Court, including orders arising from petitions filed by Shehri – Citizens for a Better Environment and other public interest litigants, which expressly prohibit any construction, encroachment, commercialisation, or alienation of designated public open spaces and parks in Karachi, and specifically Hill Park. The Respondents, as statutory public authorities, are constitutionally and legally bound to comply with and enforce these orders. The issuance of the impugned NOCs in defiance of these judicial orders constitutes a brazen violation of the rule of law and the supremacy of judicial orders.
12. That the Honourable Supreme Court has consistently and categorically held that public open spaces, parks, and green belts in urban areas of Pakistan are public trust properties that cannot be alienated, encroached upon, commercialised, or diverted to any private use, irrespective of the nature of the arrangement or characterisation of the beneficiary. No NOC, administrative order, or authorisation issued by any municipal officer can override or circumvent these binding judicial pronouncements. The impugned NOCs are therefore void ab initio and of no legal effect.
13. That the violation of subsisting judicial orders of the superior courts by the Respondents who are statutory public authorities renders every act taken in furtherance of the impugned NOCs, including any construction or development at Hill Park, not only unlawful but also constitutive of contempt of court, and liable to be set aside by this Honourable Court in exercise of its constitutional jurisdiction under Article 199.

14. That the impugned NOCs are conditional on their own terms, expressly stating that they do not confirm ownership or demarcation. In the face of binding judicial directions specifically prohibiting construction at Hill Park, no NOC for any construction within the park can be lawfully issued. The said NOCs are independently void and liable to be cancelled.
15. That public parks and open spaces are public trust properties held by the State and its instrumentalities, including KMC, in trust for the present and future citizens of Karachi. The public trust doctrine, firmly recognised and applied by the superior courts of Pakistan, imposes a fiduciary and non-delegable obligation upon the State not to alienate, commercialise, or permit encroachment upon such properties for private benefit. The issuance of the impugned NOCs constitutes a flagrant breach of this doctrine and must be struck down by this Honourable Court.
16. That this petition is filed in the public interest and concerns the rights of millions of citizens of Karachi who have no other avenue for the protection of their constitutional right to public open spaces. The balance of convenience overwhelmingly favours the grant of the relief prayed for, including immediate interim relief restraining any further construction activity at Hill Park.
17. That the Petitioners crave leave to add, amend, and urge additional grounds at the time of hearing of this petition.

PRAYER

In view of the foregoing submissions, the Petitioners most respectfully and humbly pray that this Honourable Court may graciously be pleased to:

- A. Cancel, set aside, and quash NOC No. KMC.DDL/36/2026 dated 30-04-2026 issued by the Deputy Director Land, KMC, and NOC No. DL/KMC/232/2026 dated 22-04-2026 issued by the Director Land, KMC, as being void, unlawful, and issued in direct contravention of the binding judicial directions of the superior courts and the constitutional rights of the citizens.
- B. Issue a writ of prohibition or any other appropriate writ, order, or direction restraining the Respondents, their officers, agents, contractors, and all persons acting under their authority from carrying out any construction, development, commercialisation, or activity of any nature whatsoever at Hill Park, Karachi, in pursuance of the impugned NOCs or otherwise.
- C. Issue a writ of mandamus or appropriate direction to the Respondents to demolish and remove any structure or boundary wall already raised or any site preparation already carried out at Hill Park, and to restore the land to its original condition as a public open space.
- D. Issue a direction to all Respondents to ensure strict and continuing compliance with the binding judgments and orders of the Honourable Supreme Court of Pakistan and the Honourable High Court of Sindh concerning the protection of public open spaces and parks in Karachi, and specifically Hill Park.
- E. Direct the concerned authorities to immediately halt, seal, and prevent any construction activity at Hill Park.
- F. Pass any other order(s) that this Honourable Court may deem just, fit, and proper in the circumstances of this case.

Karachi
Dated: 02nd June, 2026

ATTORNEY OF THE PETITIONERs

ADVOCATE FOR THE PETITIONER

IN THE HIGH COURT OF SINDH AT KARACHI
Constitutional Bench Matter

CP No. D-:_____ of 2026

Muhammad Farooq & othersPetitioner

VERSUS

The Province of Sindh & OthersRespondents

AFFIDAVIT

I, Muhammad Farooq, Son of Muhammad Ibrar Khan, Muslim, Adult, Member Provincial Assembly of Sindh, PS-91, District Korangi, Karachi, Parliamentary Leader of Jamaat-e-Islami, Office at Sindh Assembly, Karachi do hereby state on oath as under: -

1. I say that being the Petitioner 01 in the captioned matter, hence I am well conversant with the facts and circumstances of this case.
2. I say that unless the accompanying petition is filed by me and is granted the interest of the Petitioner shall be seriously prejudiced and Petitioner shall suffer irreparable loss, harm and injury.
3. That whatever has been stated above is true and correct to the best of my knowledge, belief and information.

Karachi

Dated ___ May, 2025

DEPONENT

CNIC # _____

CELL # _____

IN THE HIGH COURT OF SINDH AT KARACHI
Constitutional Bench Matter

CP No. D-:_____ of 2026

Muhammad Farooq & othersPetitioner

VERSUS

The Province of Sindh & OthersRespondents

AFFIDAVIT

I, Taimoor Ahmed, Son of Tanveer Ahmed, (Attorney of Petitioner No. 1 & 2 and Co-Petitioner) Muslim, Adult, Office at Room no.9, 2nd Floor, KMC Building, MA Jinnah Road, Karachi the Petitioner, do hereby state on oath as under: -

4. I say that being the Petitioner 03 as well as attorney of the Petitioner No. 01 & 02 in the captioned matter, hence I am well conversant with the facts and circumstances of this case.
5. I say that unless the accompanying petition is filed by me and is granted the interest of the Petitioner shall be seriously prejudiced and Petitioner shall suffer irreparable loss, harm and injury.
6. That whatever has been stated above is true and correct to the best of my knowledge, belief and information.

Karachi

Dated ___ May, 2025

DEPONENT

CNIC # _____
CELL # _____

IN THE HIGH COURT OF SINDH AT KARACHI
Constitutional Bench Matter

CP No. D-:_____ of 2026

Muhammad Farooq & othersPetitioner

VERSUS

The Province of Sindh & OthersRespondents

APPLICATION UNDER SECTION 151 C.P.C

For the fact and reasons disclosed in the accompanying affidavit, it is humbly prayed on behalf of the Petitioner, above named that this, Honorable Court may graciously be pleased to accept Photostat copies of the annexure and exempt the Petitioner from filing the original documents which at present is neither in its power nor possession and would be filed if and when directed by this Honorable Court.

Prayer is made in the interest of justice.

KARACHI
Dated ___May, 2025

ADVOCATE FOR THE PETITIONER

IN THE HIGH COURT OF SINDH AT KARACHI
Constitutional Bench Matter

CP No. D-:_____ of 2026

Muhammad Farooq & othersPetitioner

VERSUS

The Province of Sindh & OthersRespondents

AFFIDAVIT

I, Taimoor Ahmed, Son of Tanveer Ahmed, (Attorney of Petitioner No. 1 & 2 and Co-Petitioner) Muslim, Adult, Office at Room no.9, 2nd Floor, KMC Building, MA Jinnah Road, Karachi the Petitioner, do hereby state on oath as under: -

1. I say that being the Petitioner 03 as well as attorney of the Petitioner No. 01 & 02 in the captioned matter, hence I am well conversant with the facts and circumstances of this case.
2. I say that the copies of annexure annexed with the petition are not readily available with the petition, and the same shall be filed as and when required by this Hon'ble Court.
3. I say that unless the accompanying application is granted the interest of the Petitioner shall be seriously prejudiced and Petitioner shall suffer irreparable loss, harm and injury.
4. That whatever has been stated above is true and correct to the best of my knowledge, belief and information.

Karachi

Dated ___ May, 2025

D E P O N E N T

CNIC # _____

CELL # _____

IN THE HIGH COURT OF SINDH AT KARACHI
Constitutional Bench Matter

CP No. D-:_____ of 2026

Muhammad Farooq & othersPetitioner

VERSUS

The Province of Sindh & OthersRespondents

APPLICATION U/R-9, CHAPTER III-B VOLUME - V,
OF THE HIGH COURT RULES AND ORDERS

For the facts and reasons stated in the accompanying affidavit,
it is humbly prayed on behalf of the Petitioner, above named that this
Honorable Court may graciously be pleased to fix the captioned
petition in court/chamber on ____day of May, 2025, as the same
requires urgent consideration.

This prayer is made in the interest of justice.

Karachi

Dated ___ May, 2025

ADVOCATE FOR THE PETITIONER

IN THE HIGH COURT OF SINDH AT KARACHI
Constitutional Bench Matter

CP No. D-:_____ of 2026

Muhammad Farooq & othersPetitioner

VERSUS

The Province of Sindh & OthersRespondents

AFFIDAVIT

I, Taimoor Ahmed, Son of Tanveer Ahmed, (Attorney of Petitioner No. 1 & 2 and Co-Petitioner) Muslim, Adult, Office at Room no.9, 2nd Floor, KMC Building, MA Jinnah Road, Karachi the Petitioner, do hereby state on oath as under: -

1. I say that being the Petitioner 03 as well as attorney of the Petitioner No. 01 & 02 in the captioned matter, hence I am well conversant with the facts and circumstances of this case.
2. I say that being the Petitioner in the captioned matter, hence I am well conversant with the facts and circumstances of this case.
3. I say that the accompanying application for urgent hearing has been drafted and filed under my specific instructions. The contents thereof are correct and same may be treated as integral part of this affidavit.
4. I say that unless the accompanying application is granted, the interest of the Petitioner shall be seriously prejudiced and he shall suffer irreparable loss, harm and injury.
5. That whatever stated above is true and correct to the best of my knowledge and belief.

Karachi

Dated: ___ May, 2025

DEPONENT

CNIC # _____

CELL # _____

IN THE HIGH COURT OF SINDH AT KARACHI
Constitutional Bench Matter

CP No. D-:_____ of 2026

Muhammad Farooq & othersPetitioner

VERSUS

The Province of Sindh & OthersRespondents

APPLICATION UNDER ORDER XXXIX RULE 1 & 2 CPC
READ WITH SECTION 151 C.P.C

For the fact and reasons disclosed in the accompanying affidavit, it is humbly prayed on behalf of the Petitioner, above named that this, Honorable Court may graciously be pleased to restrain the Respondents from performing official duties and further to restrain the Respondents from taking any coercive/adverse action upon the subject matter, till final adjudication of the instant petition.

Ad interim orders, without notice are solicited in above terms.

Prayer is made in the interest of justice.

Karachi

Dated ___ May, 2025

ADVOCATE FOR THE PETITIONER

IN THE HIGH COURT OF SINDH AT KARACHI
Constitutional Bench Matter

CP No. D-:_____ of 2026

Muhammad Farooq & othersPetitioner

VERSUS

The Province of Sindh & OthersRespondents

AFFIDAVIT

I, Taimoor Ahmed, Son of Tanveer Ahmed, (Attorney of Petitioner No. 1 & 2 and Co-Petitioner) Muslim, Adult, Office at Room no.9, 2nd Floor, KMC Building, MA Jinnah Road, Karachi the Petitioner, do hereby state on oath as under: -

1. I say that being the Petitioner 03 as well as attorney of the Petitioner No. 01 & 02 in the captioned matter, hence I am well conversant with the facts and circumstances of this case.
2. I say that the accompanying injunction application under Order XXXIX Rule 1 & 2 CPC has been filed on my specific instructions, the contents whereof may be treated as integral part of this affidavit for the sake of brevity.
3. I say that I reiterated the contents of the main petition, for the sake of brevity the same are not being reproduced here and the same may kindly be treated as an integral part of this affidavit.
4. I say that the Petitioner has a prima facie case and balance of convenience also lies in his favor and unless the accompanying application is allowed, the Petitioner shall suffer irreparable loss, harm and injury.
5. That whatever has been stated above is true and correct to the best of my knowledge, belief and information.

Karachi
Dated: _____ May, 2025

DEPONENT
CNIC # _____
CELL # _____

VAKALATNAMA
IN THE HIGH COURT OF SINDH AT KARACHI
Regular Bench

CP No. D-: _____ of 2025

Muhammad Farooq & othersPetitioners

VERSUS

The Province of Sindh & OthersRespondents

KNOW ALL TO WHOM THESE PRESENTS SHALL COME THAT Taimoor Ahmed, Son of Tanveer Ahmed, (Attorney of Petitioner No. 1 and Co-Petitioner) in the above noted case do hereby make, appoint, authorize, nominate, constitute and ordain (1) MR. USMAN FAROOQ, Advocate (2) MR. AGHA ABDUL FATEH Advocate, (3) MR. MUHAMMAD SAYD ANJUM Advocate (4) MR. AHMED MUNEEB Advocate (5) MR. AKHTER Advocates in the above mentioned cause to do all the following acts, deeds and things or any of them, that it is to say:-

As my/our true and lawful Advocate (s) jointly and severally and empower them to act, appear, present Application(s), cross examine witnesses, withdraw or compromise for me/us in my/our name(s) on my/our behalf in the above matter, and for the purpose and in connection therewith to deposit or withdraw money(s), grant receipt(s), file in or take out document (s) and paper and to do all act(s), deed (s) and thing (s) or any of them whatsoever that may be deemed necessary or advisable for the prosecution/defense of the said suit/case and I say that any act so done by the said Advocate (s) after accepting this power shall be considered as my/our own act to all intents and purpose.

I also undertake to pay their professional fee in the above matter and that they would be at liberty to withdraw their appearance from the above matter in case their full fee is not paid before the conclusion of the above matter until the same is paid.

RECEIVED BY ME/US ON _____ FROM _____.

Signatures/Thumb Impressions

1) **MR. USMAN FAROOQ Advocate**
16057/HC/Karachi

2) **AGHA ABDUL FATEH Advocate**
/HC/Karachi

3) **MR. AKHTER Advocate**
/HC/Karachi

4) **AHMED MUNEEB Advocate**
/HC/Karachi

Accepted: Subject to the mentioned above address for service is as under:

USMAN FAROOQ LAW ASSOCIATES
Office No. 3 & 4, K.M.C Building, Jigar Muradabadi Road, Near Islamia
College, Karachi. Cell Number: 0333 – 8421560

IN THE HIGH COURT OF SINDH AT KARACHI
Constitutional Bench Matter

CP No. D-:_____ of 2026

Muhammad Farooq & othersPetitioner

VERSUS

The Province of Sindh & OthersRespondents

UNDERTAKING

I, Taimoor Ahmed, Son of Tanveer Ahmed, (Attorney of Petitioner No. 1 & 2 and Co-Petitioner) Muslim, Adult, Office at Room no.9, 2nd Floor, KMC Building, MA Jinnah Road, Karachi the Petitioner, do hereby state on oath as under: -

1. I say that being the Petitioner 03 as well as attorney of the Petitioner No. 01 & 02 in the captioned matter, hence I am well conversant with the facts and circumstances of this case.
2. I say that this is the first petition and no other petition or any kind of proceedings have been filed by me before any forum except this petition.
3. I say that whatever has been stated above is true and correct to the best of my knowledge, belief and Information.

Karachi:
Dated ___ May, 2025

DEPONENT
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VERSUS

The Province of Sindh & OthersRespondents

INDEX

Photocopies of:

S#	DESCRIPTION	ANNEXURE	PG#
1.	Memo of petition		
2.	Copy of power of attorney and copy of the relevant ECP notifications attached	A	
3.	Copies of the said NOCs and Photographs and Photo/video footage evidencing ongoing construction and operation of commercial activity at the site	B	
4.	Undertaking		
5.	Urgency Application a/w Affidavit		
6.	Exemption Application a/w affidavit		
7.	Stay application a/w affidavit		
8.	Vakalatnama		

Karachi:

Dated: ___ June, 2026

ADVOCATE FOR THE PETITIONER