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IN THE SUPREME COURT OF PAKISTAN
(ORIGINAL JURISDICTION)

PRESENT: MR. JUSTICE MIAN SAQIB NISAR, HCJ
MR. JUSTICE SAJJAD ALI SHAH
MR. JUSTICE MUNIB AKHTAR

HUMAN RIGHTS CASE NO.12509-S OF 2011 AND CIVIL MISC.
APPLICATIONS NO.241-K AND 358-K OF 2013, 639-K TO 641-K,
704-K, 705-K, 741-K TO 745-K, 809-K TO 812-K, 939-K AND 959-
K/2017 AND 1-K/2018

- H.R.C.12509-S/2011: Complaint for tacking action Illegal encroachment over Public Park in Al-Habib Co-operative Housing Society, KDA Scheme-33, Karachi by Ather Alam & others
- C.M.A.241-K/2013: Application for Intervener filed by Mehar Nigar
- C.M.A.358-K/2013: Application for Intervener filed by Sohail Farid
- C.M.A.639-K/2017: Application for Intervener filed by Danish Ahmed
- C.M.A.640-K/2017: Application for Intervener filed by Ahmed Bux
- C.M.A.641-K/2017: Application for Intervener filed by Mst: Amina Adnan
- C.M.A.704-K/2017: Application for Intervener filed by Mst: Ghazala Syed
- C.M.A.705-K/2017: Application for Intervener filed by Mst: Kaneez Bano
- C.M.A.741-K/2017: Application for Intervener filed by Mst: Kaneez Fatima
- C.M.A.742-K/2017: Application for Intervener filed by Mst: Sabiha Malik
- C.M.A.743-K/2017: Application for Intervener filed by Muhammad Aljaz
- C.M.A.744-K/2017: Application for Intervener filed by Syed Raza Ali
- C.M.A.745-K/2017: Application for intervener filed by Muhammad Muzzamil
- C.M.A.809-K/2017: Application for intervener filed by Nayyar Suhano
- C.M.A.810-K/2017: Application for intervener, filed by Jam Zahid Hussain
- C.M.A.811-K/2017: Application for intervener, filed by Mazno Mazhar Ali
- dr

C.M.A.812-K/2017: Application for intervener, filed by Riyasat Masih

C.M.A.939-K/2017: Application for Intervener filed By Muhammad Nacem

C.M.A.959-K/2017: Application for Intervener filed by Mst: Razia Bano

C.M.A.1-K/2018: Application for Intervener filed by Salman Feroz

In attendance: Mr. Nacem Iqbal, Addl.A.G.
Mr. Waseem Akhtar, Mayor Karachi
Mr. Mansoor Ahmed Siddiqui, Administrator Al-Habib Society
Mr. M. Azam, SP Sohrab Goth
Mr. Rehmat Khan, SHO SITE, Super Highway
Malik Azhar, Prosecution Inspector

Athar Alam
Mahtab Alam

In person
(All interveners)

Date of hearing: 22.6.2018

ORDER

The questions involved in this matter require a thorough probe into the affairs of the Al-Habib Cooperative Society, Karachi. Therefore, we direct Mr. Bashir Ahmed Memon, Director General, FIA to make a complete investigation into the issues involved herein and to particularly investigate Mr. Athar Alam and Mr. Mahtab Alam as to what is their role in the matter. If there have been any acts of misfeasance or malfeasance or otherwise there are any acts or omissions, and any criminal offence is made out against either of these persons or any other person acting at their behest and/or on their direction or under their control, a case should be registered against them and also against all those involved in the matter. It is first these two persons who must be investigated. Such investigation to be completed and the report filed within a period of one month from today. The Registrar of this Court must be weekly informed about the progress in the matter for our perusal in Chambers. Any FIRs registered against Athar Alam and Mahtab Alam should also be kept in view by FIA while probing into the matter. Till further orders, the names of Athar Alam and Mahtab Alam shall be placed on ECL. In case of any non-cooperation by either of these persons, FIA to take appropriate act but strictly in accordance with law.

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2. In the investigation process, the FIA must associate Mr. Mansoor Ahmed Siddiqui, who is an officer in the Cooperatives Department, Government of Sindh and appears currently to be acting as the Administrator of the Society. Mr. Siddiqui has today stated before us that he has already attempted to make some inquiry into the affairs of the Society but on account of non-cooperation of various departments, his efforts have remained inconclusive. However, it may be that he has unearthed some material which could be relevant for the purposes of the investigation to be conducted by FIA.

3. We note with concern that although from time to time various orders have been made in this matter, which has been lingering on for a long time, there has neither been any substantial compliance of the same nor any worthwhile progress made. The Director General FIA must expedite the investigation so that if there be any malefactors they can be brought to book expeditiously.

Sd/-HCJ

Sd/-J

Sd/-J

Karachi, the
22nd of June, 2018
Waqas Naseer

Waqas Naseer
21/7/18