

26-11-21

(15)

SUPREME COURT OF PAKISTAN
(Original Jurisdiction)

PRESENT:

Mr. Justice Gulzar Ahmed, CJ
Mr. Justice Ijaz ul Ahsan
Mr. Justice Qazi Muhammad Amin Ahmed

CONST. PETITION NO.9 OF 2010

[Niamatullah Khan Advocate Vs. Federation of Pakistan, etc.]

AND

CRIMINAL ORIG. PETITION NO.7-K OF 2017

[Mst. Sahiba Parveen Vs. Syed Nasir Abbas, Director General, KDA and others (Matter pertaining to allotment of alternate plot)]

AND

CMA NO.6206 OF 2013 IN CONST. P. NO.9 OF 2010

[Report of Additional Registrar of this Court]

AND

CRIMINAL ORIGINAL PETITION NO.9-K OF 2021

[Syeda Maria Raza Vs. Government of Sindh through Chief Secretary Sindh & others (matter regarding illegal encroachment over drainage river of Haji Limo Village at Gulshan-e-Iqbal)]

AND

CMA NO.441-K OF 2021

[Niamatullah Khan Advocate Vs. Federation of Pakistan & others (regarding illegal Faiz Muhammad Vs. Province of Sindh through Chief Secretary and others (regarding illegal encroachment over drainage river of Haji Limo Village at Gulshan-e-Iqbal)]

AND

CMA No.1083-K OF 2021

Niamatullah Khan Advocate Vs. Federation of Pakistan and others (For seeking direction for removal of encroachment on Gujjar Nalla and Orangi Nala)(For seeking direction for removal of encroachment on Gujjar Nalla and Orangi Nala)

AND

CMA No.1112-K OF 2021 IN C.R.P. NO.61-K OF 2021

[Shehri and others Vs. Niamatullah Khan and others (Matter regarding encroachment over Gujjar Nalla and Orangi Nalla)]

AND

CMA No.774-K OF 2021

[Civil Aviation Authority Vs. Federation of Pakistan & others
(Applicant has alleged that Government of Sindh has allotted 209 acres land in 1990 to CAA for construction of new Airport but some officials of GOS are illegally allotting and creating Surveys Nos. from said land)]

AND

CMA No.522-K OF 2020 IN CONST. P. NO.9 OF 2010

[Waleed Ahmed & others Vs. Federation of Pakistan & others (Plot No.SNPA-21-D & SNPA-23, both are public amenities plots and meant for "Park" and the same are used for marriage/commercial activities)]

AND

CRL.M.A. No.59-K OF 2018

[Application for Intervener filed by Mr. Ghulam Rasool Mangi, AOR on behalf of applicant namely, Shah Mohammad (against encroachment made around Ziauddin Hospital, Clifton Karachi by its management and false cases registered against applicant)]

AND

C.M.A. No.1062-K OF 2021

[Dr. Sadia Rasool Virk Vs. Federation of Pakistan and others (Reply to Show Cuase Notice on behalf of SouthCityHospital)]

AND

C.M.A. No.1064-K OF 2021

[M/s. SouthCityHospital (Pvt) Limited Vs. Federation of Pakistan and others (Reply to Show Cause Notice on behalf of SouthCityHospital)]

AND

CMA NO.NO.941-K OF 2020

[Niamatullah Khan Advocate Vs. Federation of Pakistan and others (regarding encroachment in Jacobabad at various government lands i.e. amenities, parks etc. by influential persons)]

AND

CMA NO.NO.1114-K CF 2021

[Ms. Maliha Malik Vs. Federation of Pakistan (statement of Mr. Aijaz Hussain Jakhrani and Sajjad Hussain Jakhrani)]

AND

CMA No.775-K OF 2021

[Muhammad Akram Abro Vs. Federation of Pakistan& others
(Applicant has prayed for the correction of order dated 16.06.2021
whereby he has requested to read name hotel mairaj instead of
Hotel Hermain)]

AND

CMA NO.698-K OF 2021

[M/s A.A. Joy Land (Pvt.) Ltd. Vs. Federation of Pakistan& others
(matter pertains to AladinPark)]

AND

CMA No.1000-K OF 2021

[Niamatullah Khan & others. Vs. Federation of Pakistan& others
(matter regarding AladinPark)]

AND

CMA No.74-K OF 2020 IN CONST. P. No.9 OF 2010

[Application for intervener filed on behalf of Sindh High Court Bar Association through its Honourary Secretary (regarding parking space at High Court of Sindh)]

AND

CMA NO.86-K OF 2020 IN CONST.P.NO.9 OF 2010

[M/s Ishaq Enterprises Vs. Federation of Pakistan& others
(concise statement with regard to allotment of COMM-3)]

AND

CMA No.711-K OF 2020 IN CONST.P. NO.9 OF 2010

[M/s Ishaq Enterprises Vs. Federation of Pakistan& others (objection filed on CMA no.86-K of 2020)]

AND

CRP NO.57-K OF 2021

[Asian Pacific Alliance of YMCAs Vs. Federation of Pakistan& others
(matter pertains to YMCA Ground)]

AND

CRL.ORG.P.NO.8-K OF 2021

[Abu Turab Vs. Syed Mumtaz Ali Shah & others (matter regarding Kidney Hill Land)]

AND

CMA NO.391-K OF 2020 IN CONST.P.NO.9 OF 2010

[Abu Turab Vs. Federation of Pakistan & others (regarding illegal constructions inside of Kidney Hill Land situated at Faran Society, Barrister Ahmed Road near Dhooraji Colony, Karachi)]

AND

CMA NO.714-K OF 2020 IN CONST.P.NO.9 OF 2010

[Niamatullah Khan Vs. Federation of Pakistan & others (matter regarding Al-Fatah Masjid Admeasuring 1400 Sq. Yards at Kidney Hill Ahmed Ali Park, Faran Society, Karachi)]

AND

CMA NO.424-K of 2021

[Mr. Ibrahim Younus & others. Vs. Federation of Pakistan & others (Kidney Hill Park Land)]

AND

CMA NO.437-K OF 2021

[Niamatullah Khan Vs. Federation of Pakistan & others (matter regarding various plots at Overseas Cooperative Housing Society lies adjacent to Kidney Hill Park)]

AND

CMA NO.438-K OF 2021

[Niamatullah Khan Advocate Vs. Federation of Pakistan & others (matter regarding various plots at Overseas Cooperative Housing Society lies adjacent to Kidney Hill Park)]

AND

CMA NO.515-K OF 2021

[Abrar Hassan Vs. Federation of Pakistan & others (matter pertains to Kidney Hill Park)]

AND

CRL.ORG.P.NO.13-K OF 2021

[Mrs. Gul Nilofer & another Vs. Major (R) Naveed Ahmed Khan & others]

AND

CRL.ORG.P.NO.14-K OF 2021

[Mrs. Shabnum Humayun Vs. Federation of Pakistan and others
(matter regarding HillPark)]

AND

CRL.MA NO.229-K OF 2018 IN CRL.ORG.P.NO.7-K OF 2017

[Application for intervener filed by Mr. Ghulam Qadir Jatoi, AOR
on behalf of KDA Officer Club (Against illegal and unconstitutional
partial demolition on the premises of the applicant at Plot No.ST-6,
Of Kashmir Road, Karachi)]

AND

CMA NO.621-K OF 2021

[Niamatullah Khan Advocate Vs. Federation of Pakistan& others.
(report regarding KCR, in compliance of order dated 08.04.2021
filed by D.G. FWO)]

AND

CMA NO.167-K OF 2020

[Application for intervener filed by Syed Muhammad Iqbal Kazmi.
(the matter regarding KCR project and demolishing of illegal
construction in Karachi)]

AND

CMA NO.367-K OF 2020 IN CONST.P.NO.9 OF 2010

[Shamim Ahmed Siddiqui Vs. Federation of Pakistan& others
(regarding encroachment over railway land/SafariPark)]

AND

CMA NO.177-K OF 2020

[Application for intervener filed by Farhat Younus Memon. (The
matter regarding 650 constructed Houses in Project No.7
(PRECHS) near Gillani Station Gulshan-e-Iqbal, Karachi)]

AND

CMA NO.898-K OF 2020

[Pakistan Railways through Divisional Superintendent. Vs.
Federation of Pakistan& others (matter regarding encroachment
over Pakistan Railway Land & Revival of KCR)]

AND

**CMA NO.1124-K OF 2021 IN C.R.P. NIL-K OF 2021 IN CMA NO.277-K
OF 2021 IN C.R.P. NIL-K OF 2021 IN CMA NO.898-K OF 2021**

[Federation of Pakistan through Secretary/Chairman Railways Vs.
M/s. Karachi Town Builders (regarding encroachment over
Pakistan Railway Land and revival of KCR)(Tejori Heights/Tower)]

AND

CMA NO.541-K OF 2020

[Muhammad Ahmed Khan & others. Vs. Federation of Pakistan &
others (matter regarding Pakistan Railway Employees Cooperative
Housing Society)])]

AND

CMA NO.630-K OF 2020

[Pakistan Railway Employees Cooperative Housing Society Limited
Vs. Federation of Pakistan & others (the matter pertains to
encroachment over Railway Land on account of Railway
Cooperative Housing Society)]

AND

CMA NO.1110-K OF 2021

[Application on behalf of Divisional Superintendent through
Deputy Director Railways against M/s Labaik CNG Station
Hyderabad and others (matter regarding encroachment over
Railway's land at Hyderabad)]

AND

**CM APPEAL NO.37 OF 2021 IN CRP NO.7-K OF 2020 IN CMA
NO.690-K OF 2019 IN CONST.P.NO.9 OF 2010**

[M/s Quality Builders Vs. Federation of Pakistan & others (for
grant of time to remove and take away the materials from
building)]

AND

CMA NO.1004-K OF 2021

[Muhammad Zohaib Ather Vs. Federation of Pakistan and others
(Matter regarding Royal Pak Project)]

AND

CMA NO.770-K OF 2020

[Matter regarding non-supply of water through already decided
water lines in DHA, Karachi]

AND

CRL.M.A.NO.52-K OF 2018

[Application for Intervener filed by Muhammad Asif Shafi against seeking direction for demolition of illegal construction on plot No.70-A, Sindh Muslim Cooperative Housing Society, Karachi (Multi-Storey Building)]

AND

CMA NO.631-K OF 2019 IN CONST.P.NO.9 OF 2010

[Application for intervener filed by Mrs.Nelofar Abbasy Vs. (illegal construction is carried out by King Builders over Private Park/Amenity Plot)]

AND

CMA NO.78-K OF 2020 IN CONST. P. NO.9 OF 2010

[Application for intervener filed on behalf of Muhammad Talha and Mansoor Sharif Hamid Vs. (regarding high rise building on amenity plot)]

AND

CMA NO.523-K OF 2020 IN CONST.P.NO.9 OF 2010

[Muhammad Waseem Samoo Vs. Federation of Pakistan & others (matter regarding King Cottage/Bagh-e-Qamar situated at Scheme No.36, Gulshan-e-Johar, Karachi)]

AND

CMA NO.83-K OF 2020 IN CONST.P.NO.9 OF 2010

[Application for intervener filed on behalf of Pakistan Mercantile Exchange Ltd. And NCEL Building Management Ltd. Vs. (regarding Hyatt Regency Hotel)]

AND

CMA NO.512-K OF 2020 IN CONST.P.NO.9 OF 2010

[Application for intervener filed by Mst.Yasmeen Lari (regarding Karachi Gymkhana)]

AND

CMA NO.594-K OF 2020 IN CONST.P.NO.9 OF 2010

[M/s Madrasa Tahfeezul Quraan Al Karim Vs. Federation of Pakistan & others (matter regarding illegally constructed 18 floor building in a very sensitive area near Police Head Quarter at Garden Area)]

AND

CMA NO.617-K OF 2019 IN CONST.P.NO.9 OF 2010

[Application for intervener filed by Venu G. Advani Vs. (Against illegal conversion of plot from residential into commercial locals at Block 4, Scheme-5, Clifton Karachi)]

AND

CMA NO.889-K OF 2019 IN CONST.P.NO.9 OF 2010

[Application for intervener filed on behalf of Pakistan Post through Postmaster General, Karachi Vs. (regarding ownership of P & T Colony also declared as Katchi Abadi)]

AND

CRP NO.28-K OF 2020 IN CONST.P.NO.9 OF 2010

[K-Electric Limited Vs. Federation of Pakistan & others. (matter regarding fatal incidents resulting from electrocution in the service territory of K-Electric)]

AND

CMA NO.1087-K OF 2021

[Naveed Ahmed Khan Vs. Federation of Pakistan and others (illegal usage of land of Askari Park for Commercial Activities and Marriage Hall)]

AND

CMA NO.1095-K OF 2021

[Muhammad Imran Vs. Federation of Pakistan and others (matter regarding Food Street at Burns Road)]

AND

CMA NO.1123-K OF 2021

[Kelas Kumar Vs. Federation of Pakistan & others (matter regarding encroachment over Hindu Temples/Mandirs)]

AND

CMA NO.940-K CL 2020

[Muhammad Yousaf Vs. Federation f Pakistan & others (regarding Sugarcane Crushing Machine situated at Hasrat Mohani Road, near Cafe Victory, Karachi)]

AND

CRL. M.A.121-K OF 2017 IN CRL.ORG.P.NO.7-K OF 2017

[Application for intervener filed by Muhammad Essa Vs. (60 Feets land reserved for Bus Stop divided into 80 Sq. Yd. Plots-China Cutting Plot)]

AND

CRL.MA NO.38-K OF 2018 IN CRL.ORG.P.NO.7-K OF 2017

[Application for intervener filed by applicant namely, Akbar Hussain Vs. (against China Cutting of plots by manipulated documents of Plot No.R-160/4 & R-160/5, Sector 11, North Karachi. Fabricated against master plan, as these are amenity plots for Bus Stop/Car Parking/Green Belt etc.)]

AND

CMA NO.423-K OF 2019 IN CONST.P.NO.9 OF 2010

[Application for intervener filed by Porf. Dr. Muhammad Shahid Hussain Vs. (encroachment over public road in between St.6 to St.8, Gulshan-e-Iqbal, Block 4, KDA, Scheme-24, Karachi)]

AND

CMA NO.179-K OF 2020

[Application for intervener filed on behalf of Rashid Ali Vs. (against demolishing/sealing order of Friends Petrol Pump (Shell) on plot No.PP-1, Survey No.35, Pakistan Employees Cooperative Housing Society, Shahrah-e-Quaideen, Karachi)]

AND

C.P.NO.422-K OF 2020

[Mst. Zahida Naz Vs. Province of Sindh & others (petitioners have challenged the purported commercialization of the residential Plot No.A/216, Block C, Unit No.2, Latifabad, Hyderabad and its amalgamation with an amenity plot)]

AND

CMA NO.767-K OF 2020 IN CONST.P.NO.9 OF 2010

[Syed Masood Ahmed & others Vs. Federation of Pakistan & others (Defence Officers Housing Authority has been and its illegally converting various plots to used other than its original use)]

AND

CP NO.92-K OF 2010

[Karachi Chamber of Commerce and Industry Vs. Karachi Metropolitan Corporation and others (Conversion of residential land into commercial i.e. Plot No.79, Survey Street No.C-F 1-5, Old Clifton, KDA Scheme-5, Karachi)]

AND

CP No.93-K OF 2010

[Karachi Chamber of Commerce and Industry Vs. Karachi Metropolitan Corporation and others (Conversion of residential land into commercial i.e. Plot No.79, Survey Street No.C-F 1-5, Old Clifton, KDA Scheme-5, Karachi)]

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AND

CRL.ORG.P.NO.19-K OF 2017 IN CRL.ORG.P.NO.7 OF 2017

[Ghulam Muhiyuddin Vs. Province of Sindh through Secretary Local Government and others (matter pertains to 35,000 plots at 112 sites of KDA Schemes/Townships will be got vacated and recovered and put to use for which they were originally meant in master plan)]

AND

CRL.MA NO.124-K OF 2017 IN CRL.ORG.P.NO.7-K OF 2017

[Application for intervener filed by Muhammad Ismail Shaheedi Vs. (regarding lands illegally occupied by land grabbers in Karachi)]

AND

CRL. MA NO.132-K OF 2017 IN CRL.ORG.P.NO.7-K OF 2017

[Application for intervener filed by AOR for the applicant Anjuman-e-Kalayna Vs. (Amenity plot allotted for Kalayana Community Centre at North Karachi as illegally demolished by respondent)]

AND

**CRL.MA NO.111-K OF 2018 IN CRL.MA NO.132-K OF 2017 IN
CRL.ORG.P.NO.7-K OF 2017**

[Application for withdrawal filed by in person namely Anjuman-e-Kalayana through its President)]

AND

**CRL.MA NO.243-K OF 2018 IN CRL.MA NO.8-K OF 2018 IN
CRL.ORG.P.NO.7-K OF 2017**

[Application for withdrawal filed by in person, namely, Anjuman-e-Sadat-e-Amroha through its President]

AND

CRL.MA NO.8-K OF 2018 IN CRL.ORG.P.NO.7-K OF 2017

[Application for intervener filed on behalf of Anjuman Sadat-e-Amroha Vs. (for restraining from demolishing further construction on the applicant plot which was allotted by KDA to Anjuman on 06.08.1974)]

AND

CRL.MA NO.19-K OF 2018 IN CRL.ORG.P.NO.7-K OF 2017

[Application for intervener filed by Mr. A.S.K. Ghori, AOR on behalf of applicant namely, Muhammad Jaffar Vs. (for removal of encroachment and unauthorized illegal construction around Saddar and Katrak Road Karachi and has also requested that order dated 29.11.2017 be enlarged and stretch to encompass the

Cantonment Area)]

AND

CRL. MA NO.20-K OF 2018 IN CRL.ORG.P.NO.7-K OF 2017

[Application for intervener filed by Muhammad Raees Vs.
(regarding encroachment on applicant's plot by construction
boundary wall thereon by Mr. Hussain Rajper, Land Grabber)]

AND

CRL.MA NO.72-K OF 2018 IN CRL.ORG.P.NO.7-K OF 2017

[Application for intervener filed by Mr. Mazhar Ali B.Chohan, AOR
on behalf of Anjuman-e-Musalman-e-Kalayana Vs. (seeking
direction to restrain KDA & SBCA not to demolish Girls College,
Girls School, Coaching Centre and Medical Centre established on
amenity plot)]

AND

CMA NO.59-K OF 2019 IN CONST.P.NO.9 OF 2010

[Application for intervener filed by Syed Arif Shah Vs.
(encroachment on amenity plot allotted at Orangi for establishing
Muslim Missionary College & Allied Institutions)]

AND

CMA NO.349-K OF 2019

[Application for intervener filed on behalf of Public Interest Law
Association of Pakistan Vs. (for seeking direction of this Court to
have Amenity Plots of Karachi developed with parks and
playground with the coordination of the relevant authorities)]

AND

CMA NO.875-K OF 2019 IN CONST.P.NO.9 OF 2010

[Application for intervener filed by Muhammad Saleem Qureshi Vs.
(regarding cancellation of false & fabricated lease granted on
amenity plot at Bihar Colony, Layari)]

AND

CMA NO.933-K OF 2019 IN CONST.P.NO.9 OF 2010

[Application for intervener filed by Mrs.Mahamadi Vs.(regarding
demolishing of all illegal construction and usage of public property
on main Korangi service road)]

AND

**CM APPEAL NO.139 OF 2020 IN CMA NO.NIL OF 2020 IN CMA
NO.933-K OF 2019 IN CONST.P.NO.9 OF 2010**

(Samira Mahamadi Vs. The Registrar, Supreme Court of Pakistan
(for correction of order dated 13/08/2020)]

AND

CMA NO.202-K OF 2020

[Application for intervener filed on behalf of AVA Ardeshir Cowasjee (regarding allotment of Plot No.9B, GKI, Ghulam Hussain Kasim Quarters Karachi, which was designated for the purpose of ejector sump pump by KW&SB)]

AND

CMA NO.281-K OF 2020

[Application for intervener filed on behalf of the Karachi Goan Association (Applicant has alleged that Plot No.J.M.1/79, Jamshed Quarters, was allotted for Establishment of Gymkhana, but KIDCL has issued a letter for possession of said property for establishment of camp office for Green Line BRTS)]

AND

CRL.MA NO.32-K OF 2018

[Application for intervener filed by Mr. Ghulam Qadir Jatoi, AOR (Applicant has paid all dues on account of a plot in new Malir Housing Scheme No.1, instead of issuing allotment order a notice received to him for payment of Rs.40000, on objection he was intimated that said amount is required for grid station)]

AND

CRL. MA NO.1-K OF 2019

[Application for intervener filed by Mr. Mazhar Ali B. Chohan, AOR on behalf of Moulana Muhammad Ali Johar Memorial Cooperative Housing Society (seeking direction for removal of encroachment from the plot of applicant society i.e. Mollana Muhammad Ali Johar Memorial Cooperative Housing Society)]

AND

CRL. M.A. No.34-K/2020

[Application for intervener filed by Mr. Ghulam Rasool Mangi, AOR on behalf of M/s Fatima Jinnah Dental College & Hospital Trust (matter pertains to non-profitable educational institution/trust for Dental Collage/Medical and Dispensary purpose on plot No.AM/1/B at Bhittai Colony "Amenity Plot")]

AND

CMA No.761-K OF 2020

[Abdul Haq Abbasi Vs. Federation of Pakistan, etc. (matter regarding encroached over state property, (i.e. Street/Road) situated at Sindh GOR-II, Muslim Society Karachi)]

AND

CMA No.808-K of 2020 IN CMA No.459-K of 2020

[Muhammad Ameer Shah Vs. Federation of Pakistan and others
 (Applicant alleged that illegal occupants have encroached over
 2000 million road at North Karachi which cause inconvenience to
 the peoples of said areas)]

AND

CM APPEAL NO.16 OF 2021 IN CONST.P.NO.9 OF 2010

[Haji Abdul Razziq Khan Vs. Federation of Pakistan & others
 (Applicant has alleged that some persons along with Society
 Member have encroached upon park and Club Land "Amenity Plot
 at PECHS")]

AND

CMA NO.782-K OF 2021

[Malik Jameel Ali Vs. Federation of Pakistan & others (matter
 regarding Custom Preventive Service Cooperative Housing Society
 and removal of encroachment from Green Belt from parking area
 and service road)]

AND

CP NO.599-K OF 2021

[Mumtaz A. Qureshi Vs. The Province of Sindh & others (matter
 pertains to encroachment upon the gardens/parts, amenity plots
 playground and Footpath in the city of Nawabshah/Shaheed
 Benazirabad)]

AND

CMA NO.1014-K OF 2021

[Muhammad Kabeer Malik and others Vs. Province of Sindh and
 others (matter pertains to encroachment upon the gardens/parks,
 amenity plots, playground and Footpath in the city of
 Nawabshah/Sheheed Benazirabad)]

AND

**CMA NO.966-K OF 2021 IN CRP NO.NIL-X OF 2021 IN CONST.P.NO.9
 OF 2010**

[Azhar Ahsan Thanvi Vs. Federation of Pakistan & others (matter
 regarding encroachment over Plot No.ST-14)]

AND

CMA NO.1006-K OF 2021

[Azhar Ahsan Thanvi Vs. Federation of Pakistan & others (matter
 regarding encroachment over Plot No.ST-14)]

AND

CMA NO.1040-K OF 2021 (Application for withdrawal of earlier CMA No.1006-K of 2021)

[Azhar Ahsan Thanvi Vs. Federation of Pakistan & others (matter regarding encroachment over Plot No.ST-14)]

AND

CMA NO.971-K OF 2021 IN CRP NO.NIL-K OF 2021 IN CONST.P.NO.9 OF 2010

[Muhammad Khan Parhar & others. Vs. Federation of Pakistan & others (matter regarding encroachment over Plot No.ST-14)]

AND

CRL.ORG.P. NO.10-K OF 2021

[Muhammad Irfan Vs. Federation of Pakistan & others (matter regarding encroachment over 51 Plots of Gulistan-e-Johar)]

AND

CMA NO.1097-K OF 2021

[Ideal (Private) Limited Vs. Federation of Pakistan (matter regarding encroachment over Amenity Plots and ST-13 on account of Sanad with respect of some Haji Ibrahim Panhwar Goth) (Korangi Industrial Area)]

AND

CRL.MA NO.71-K OF 2018 IN CRL.ORG.P.NO.7-K OF 2017

[Application for intervener filed by Muhammad Hussain, in person (against encroachment by the land grabber on 51 Plots of the applicant at Sector 51-C, Korangi Township, Karachi)]

AND

CRL.MA NO.95-K OF 2018 IN CRL.ORG.P.NO.7-K OF 2017

[Application for intervener filed by Imdad Hussain, applicant in person (against notice issued by the KDA for demolition/vacating of the house of applicant i.e, House No.313, Sector 6-B, Mehran Town, Korangi Industrial Area, Karachi)]

AND

CLR.MA NO.214-K OF 2018 IN CRL.ORG.P.NO.7-K OF 2017

[Application for intervener filed by Salman Muhammad (for seeking directions to stop Anti-encroachment operation against the poor villagers Gulshan-e-Saiful Mance, Sector 8, Scheme 41, Surjani Town, Karachi)]

AND

CRL.MA NO.2-K OF 2019 IN CRL.ORG.P NO.7-K OF 2017

(Application for intervener filed by Muhammad Farhan (against

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illegal demolition of the lawful construction on the plot owned by applicant, as it was offered by KDA illegally in compensation to Mst.Sabiha Parveen}]

AND

CMA NO.521-K OF 2019 IN CONST.P.NO.9 OF 2010

[Application for intervener filed by Murtaza Ali (regarding illegal encroachment on Plots No.33 and 34, PR-II, Preedy Quarters, Karachi)]

AND

CMA NO.527-K OF 2019 IN CONST.P.NO.9 OF 2010

[Application for intervener filed by Advocate Aqeel Hassan Khan (illegal construction of Masjid on Plot No.R-07, Longlife Bungalows Block-17, Gulistan-e-Johar)]

AND

CMA NO.162-K OF 2020

[Application for intervener filed on behalf of Ms.Muneera Khatoon (against illegal encroachment over plots bearing Nos.46-F & 46-G, situated at Bihar Colony, Shah Abdul Latif Ehttai Road, Karachi)]

AND

CMA NO.193-K OF 2020 IN CONST.P.NO.9 OF 2010

[Application for intervener filed by Khawaja Muhammad Asghar (regarding encroachment of Plots No.B-100 & B-113, Block-10, Gulistan-e-Johar, Karachi)]

AND

CMA NO.762-K OF 2020

[Syed Khurram Iqbal Vs. Federation of Pakistan & others (matter pertains to encroached land situated in Aligarh Muslim University Old Boys Cooperative Housing Society Ltd., Gulzar-e-Hijri Scheme No.33)]

AND

CMA NO.425-K OF 2019 IN CONST.P.NO.9 OF 2010

[Application for intervener filed on behalf of Muhammad Jibran Nasir and others (matter regarding discrimination & grievances with regard to anti-encroachment operation in Karachi)]

AND

CRL.ORG.P.NO.5-K OF 2020 IN CONST.P.NO.9 OF 210

[Mohammad Jibran Nasir & others. Vs. Mr. Habib ur Rehman Gillani & others (matter pertains to resettlement and rehabilitation plan for the affectees who have been disposed or dislocated due to the anti-encroachment drive)]

AND

**CMA NO.809-K OF 2020 IN CMA NO.460-K OF 2019 IN
CONST.AP.NO.9 OF 2010**

[Yousuf Masih Vs. Federation of Pakistan & others. (regarding grievances of people of Salman Brohi Goth as they apprehend to be disposed/vacated from the land in question)]

AND

CMA NO.82-K OF 2020

[Application for intervener filed by Syed Mehmood Akhtar Naqvi (regarding corruption allegations against mentioned officials of SBCA and highlighted the illegal construction & encroachment in certain areas of Karachi)]

AND

CMA NO.336-K OF 2020 IN CONST.P.NO.9 OF 2010

[Mr. Imran Ayub Khan Advocate Vs. Federation of Pakistan & others (issue regarding title documents the people living at Allah Bux Goth registered as Kachiabadi)]

AND

CRL. ORG.P. NO.1-K OF 2020 IN CONST.P NO.9 OF 2010

[Syed Mehmood Akhtar Naqvi Vs. Qazi Shahid Pervaiz, Sr. Member Board of Revenue, Government of Sindh & others]

AND

CMA NO.510-K of 2021

[Muhammad Ashraf Samoo. Vs. Province of Sindh & others (applicant has pointed out various issues i.e, corruption, violation of fundamental rights etc.)]

AND

CMA NO.300-K OF 2020 IN CONST.P.NO.9 OF 2010

[Niamatullah Khan Advocate Vs. Federation of Pakistan & others (statement of the amicus curiae from "Salahuddin Ahmed, ASC)]

AND

CMA NO.414-K OF 2020 IN CONST.P.NO.9 OF 2010

[Niamatullah Khan Advocate Vs. The province of Sindh & another (for extension of time for compliance of orders)]

AND

REPORT NO.7-K OF 2021

[Report filed on behalf of Chief Minister, Sindh through AOR in compliance of Court order dated 09.05.2019 Vs. Federation of Pakistan & others)]

AND

REPORT NO.76-K OF 2021

[Report filed by on behalf of Chief Minister, Sindh through AOR, Shehri and others Vs. Naimatullah Khan and others]

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| In attendance: | : | Mr. Muhammad Iqbal Memon,
Commissioner Karachi. |
| | | Imran Khan, APM JIAP, CAA |
| | | Mr. Shakeel Ahmed Durrani,
Addl.D.G.FIA Karachi South. |
| | | Kh. Shamas ul Islam, ASC |
| | | Mr. Khalid Mehmood Siddiqui, ASC |
| | | Ms. Ambar Alibhai, Sheri Citizen. |
| | | Waqar Alam
President Karachi Cooperative Housing Society
Junaid Makda, one of the lessees. |
| | | Haji Abdul Raziq, Applicant in CMA 16/21 |
| | | Raja Qasit Nawaz Khan ASC for M/S Bahaduryar Jang Cooperative Housing Society |
| | | Imran Zaib Federal Secretary, M/o Housing and Works. |
| | | Mr. Asif Ali Memon, DG KDA. |
| | | Mr. Abdul Haleem Jagrani, Administrator DMC West. |
| | | Mr. Rashid A. Rizvi, Sr.ASC |
| | | Mian Raza Fabbani, ASC |
| | | General Hinal Hussain, Secretary M/o Defence. |
| | | Mr. Akhtar Ali Shaikh, MC Commissioner South. |
| For the petitioners/
Applicants | : | Mr. Anwar Mansoor Khan, Sr. ASC
Ms. Umairah Anwar Khan, ASC
Syed Ashikue Raza, ASC with
Ms. Abida Parveen Channar, AOR
Raja Qasit Nawaz, ASC with
Mr. Sajeel Shehryar Swati, ASC
Syed Abdul Waheed, ASC
Mr. Muhammad Ashraf Samoo, ASC
Dr. Raana Khan, AOR (for KMC/SBCA)
Mst. Sabiha Parveen, in person. |

Syeda Maria Raza, in person
 Mr. Muhammad Sohail Hayat Khan, ASC
 Ms. Abida Parveen Channar, AOR
 Ms. Maliha Malik, in person
 Mr. Muhammad Saleem Mangrio, ASC
 Mr. Salahuddin Ahmed, ASC
 Mr. Asim Iqbal ASC a/w
 Mr. Akhtar Hussain ASC
 Mr. Mukesh Kumar G. Karara, ASC
 Mr. Khalid Javed, ASC a/w Aslam Abro.
 Mr. Arshad M. Tayyabali, ASC
 Mr. Zakir Hussain Khan Kheli, ASC
 Mr. Ghulam Rasool Mangi AOR
 Ch. Muhammad Iqbal, ASC

On Court's Notice

For the Federation

: Mr. Kashif Sarwar Paracha, Addl. AGP

For Govt. of Sindh

: Mr. Salman Talib ud Din,
 Advocate General, Sindh
 Mr. Sibtain Mehmood, Addl.A.G.Sindh
 Dr. Saeed Ahmed Qureshi,
 Focal Person to Chief Secretary
 Mr. Mazhar Hussain Alvi, AIG Legal
 Mr. Najam Ahmed Shah, Secretary Local
 Government.

For F.W.O.

: Mr. Babar Ali ASC

KWSB

: Assad Ullah Khan, M.D.

NDMA

: M. Idrees Mahsud, Member

WAPDA

: Faizsan Haidar Shah Director Tech.

Traffic Police

: Ghulam Nabi Karejo, SSP (South)

High Court of Sindh

: Mr. Karam Din Junejo, Nazir

KMC

: Mr. Umar Lakhani, ASC
 Murtaza Wahab, Administrator
 Azra Muqeem, Legal Advisor
 Afzal Zaidi, M/C

Cantonments

: Adil Rafi, Director,
 Military Land & Cantonment, Karachi
 M. Saleem Hassan,
 CEO, Clifton Cantonment
 M. Farque,
 Military Estate Officer, Karachi
 Omer Masoom Wazir, CEO,
 Korangi Cantonment
 Barrister M. Omer Riaz, ASC
 on behalf of Cantonment Board
 Rana Khawar Iftikhar, CEO, Faisal
 Qazi Rizwan Ahmed,
 CEO, Karachi, Cantonment

Haider Sial, C.E.O. Malir
Umair Mehboob, C.E.O. Manora

Date of Hearing : 26.11.2021

O R D E R

GULZAR AHMED, CJ.-

C.M.A. No.774-K of 2021

(Civil Aviation Authority)

Pursuant to order dated 24.11.2021, Mr. Shakil Ahmed Durrani, Additional Director General (South), F.I.A. has submitted his report stating therein that encroachment from Civil Aviation Authority's land on purported survey Nos.526, 527, 575 and 576 comprising 09 acres and 22 *ghuntas* have been cleared and its possession has been delivered to the Civil Aviation Authority. Counsel appearing for the Civil Aviation Authority also acknowledges that the land, as mentioned above, has been cleared and its possession given to the Civil Aviation Authority. The Civil Aviation Authority shall immediately take measures to protect its land and also ensure that no illegal occupation thereon is made. The application/report is disposed of in the above terms.

C.M.A. No.522-K of 2020

(Amenity plot used for marriage halls)

2. There is plot of land bearing No. SNP A-21-B, blocks No.7 & 8, Karachi Cooperative Housing Societies Union Limited, main Tipu Sultan Road, off Shahra-e-Faisal, Karachi, measuring 11780 square yards and it is stated that the original Layout Plan of the Union shows this plot to be utilized for building of a school and a public park. Further another plot bearing No.SNP A-23 measuring 11660 square yards, Block Nos.7 & 8 Karachi Cooperative Housing Societies Union Limited is meant for a public park. It is alleged that land of plot bearing No.SNP A-23 has illegally been bifurcated into small plots and some of them have been allotted, on which lease is also claimed by one, Junaid Makda, who is present before the Court and such lease appears to have been made by

Ministry of Housing and Works, Government of Pakistan. The Secretary Ministry of Housing and Works is present before the Court and seriously disputes the claim made by Junaid Makda and states that no such lease has been made by the Ministry.

3. It seems that two plots were specifically meant for amenity purposes, i.e., for use of school and public park but incidentally, the office bearers of Karachi Cooperative Housing Societies Union Limited have not only mismanaged the amenity plots but have tried to create interests of individual persons through a fictitious Al-Riaz Cooperative Society. Apparently, in the master plan, a copy of which has been filed in C.M.A. No.773 of 2021, these two plots are shown to be as amenity plots. Plot No.SNP A-23 is specifically shown as public park, a part of which at one corner is meant for Jinnah School and at the other corner, there is a Modern Club. Plot No.SNP A-21-B is shown as open amenity plot. This very original Layout Plan appears to be tampered with by the Karachi Cooperative Housing Societies Union Limited and such tampering by the Union, is illegal, for that, a Layout Plan once prepared, in which amenities are provided, such amenities cannot be removed or altered/converted into private buildings or used for commercial purposes, in that, the members of the society have acquired vested rights in the amenities, which are provided in the society and those cannot be taken away or allotted by the Union for any purposes other than those shown in the original master plan.

4. It seems that plot No.SNP A-23 has been wrongly dealt with by the Union and it has tried to create interests of some individuals on it and one of such persons is Junaid Makda, who is present before the Court. In our view, the matter requires further clarification as Secretary, Ministry of Housing and Works states that he will place on record complete pictures of these plots before the Court as per its own record

and also takes stand that Ministry of Housing and Works has no power/authority to change the original land use in the Layout Plan.

5. We are also of the firm view that land meant for amenities and for parks and play grounds cannot be legally and justifiably allotted to private persons for their exploitation as a commercial venture or for residential purposes. Let a comprehensive report in this respect be filed by the Ministry of Housing and Works.

6. Junaid Makda also states that he will file documents before the Court. He may do so. Counsel for the Karachi Cooperative Societies Union Limited makes a statement before the Court that both these plots are for amenity or for playground and public park and no activity whatsoever other than those which are mentioned above shall be allowed on these plots and all purported allotments/leases of the land in the said two plots ought to be cancelled, and if any portion of these two plots is in occupation of any private person, the same be retrieved and the private persons be removed from the said land. Secretary, Ministry of Housing and Works is allowed one month's time to file his report. Junaid Makda is also allowed similar time to file documents he would like to file.

7. A copy of the original Master Plan of K.D.A. has been placed on record which is legible and shows the status of these two plots that of amenity, i.e., school, modern club and public park. Such plan is taken on the record. Office is directed to allot a separate CMA number to this plan.

8. It is complained that the land of these two plots is being used for holding of marriage functions and also as parking space. It is ordered that no marriage function shall be allowed on any part of the said two plots nor any part of the said plots be used as parking space. The Union shall ensure compliance of the court order and in case any deviation is made, the President of the Union, who is present before the

Court, shall be personally responsible against whom the Court shall take action. He may take the assistance of law enforcement agencies which shall be provided, if so requested.

Adjourned to a date after one month.

CMA No.826-K/2020

9. With regard to two plots, it is stated that plot bearing No.SNP A-70, measuring 3931 square yards, is meant for family park. Raja Qasit Nawaz Khan, ASC contends that this very part of land has been bifurcated into three plots and only small portion of the plot has been left for a family park. The remaining two plots have been allotted and on one of the said plots, bearing No.SNP A-70-B-1, a huge building has been constructed by the name of Al-Bari Towers.

10. Mr. Rasheed A. Rizvi, Sr. ASC has appeared on behalf of the builder of Al-Bari Towers and requests for time to file concise statement. Let such be done within a period of one month. If any of the parties wishes to file any document with regard to the same plot, the same be done within the above mentioned period.

11. Needless to observe that none of the parties shall create any third party interest in any portion of the land or the building constructed thereon and if there is anything, the same shall be discontinued until the Court decides the matter.

12. Secretary, Ministry of Housing and Works has prepared his report and states that he is filing the same. He is directed to appear before the Court on the next date of hearing.

Adjourned to a date after one month.

NASLA TOWER

13. Commissioner, Karachi has submitted a report which shows that demolition work of Nasla Tower has commenced. He has attached some photographs with his report showing some walls from ground floor

to some upper floors have been removed but apparently, demolition process from upper floor has not been started. He states that services of qualified engineers have been taken by him, who are constantly present at the building site to ensure safe demolition of the building. He also states that about 200 persons have been engaged by him.

14. In order to expedite the demolition process, let Commissioner, Karachi engage some 400 persons. He shall ensure that demolition process is completed within a period of one week and shall file further report before the Court. The report so filed by the Commissioner, Karachi shall be placed before the members of the Bench for consideration in chambers.

Tejori Heights

15. Mian Raza Rabbani, learned counsel for Tejori Heights has appeared before the Court. He has made statement that all construction of the building has been demolished by the builder himself and debris of the building is lying at the site, which the builder will clear and for which he requests for 20 days' time.

16. Such time is allowed. Commissioner, Karachi shall ensure that the structure of the Tejori Heights/building is removed as per court order and the debris is also cleared by the builder from the site.

17. Learned counsel further states that basement area shall be filled up by the builder and the foundation of the building shall be completely removed. The Commissioner, Karachi shall ensure that such is done and file his report in this regard. We direct that possession of the land at Tejori Heights still remain with the Commissioner, Karachi.

Secretary, Ministry of Defence

18. Pursuant to order dated 24.11.2021, the Secretary, Ministry of Defence, has put in appearance before the Court and has made a statement that all cantonment lands are strategic lands and are meant

for defence purposes. The Secretary, Ministry of Defence, is directed to appear before the Court at Islamabad, on Tuesday, i.e. 30.11.2021 at 1:00 p.m. when he will give statement, in writing, about the cantonment lands, more particularly of restoring all cantonment lands for strategic and defence purposes.

C.M.A. Nos.13-K & 14-K of 2021

19. Notice to the K.M.C. and P.E.C.H.S. so also to the Advocate General Sindh for a date in the next session.

Sd/-Gulzar Ahmed, CJ
Sd/-Ijaz ul Ahsan, J
Sd/-Qazi Muhammad Amin Ahmed, J

Bench-I
Karachi
26.11.2021
'APPROVED FOR REPORTING'
*Ghulam Raza/**