

IN THE SUPREME COURT OF PAKISTAN
(REVIEW JURISDICTION)

PRESENT:

MR. JUSTICE NASIR-UL-MULK, HCJ

MR. JUSTICE AMIR HANI MUSLIM

MR. JUSTICE IJAZ AHMED CHAUDHRY

C.R.P. NOs. 309 TO 312, 320, 321, 323 TO 327, 348, 349, 354 TO 356, 361, 362, 364 TO 366, 373, 377, 378, 357 To 360, 363, 367 TO 372, 374 TO 376 OF 2013 AND 31 TO 33, 49 TO 54 OF 2014 AND C.M.A. NOs. 1059, 1063, 2334, 2338, 2343, 2347, 2351, 2353 OF 2014 IN C.R.P. NOs. NIL OF 2014 IN S.M.C. NO. 11 OF 2011 AND C.M.A. NO. 1429 OF 2015 IN C.R.P. NO. NIL OF 2015 IN S.M.C. NO. 11 OF 2011

(To review this Court's judgment dated 31.10.2013 passed in Suo Moto Case No. 11/2011)

Anjum Aqeel Khan	(In CRP 309/2013)
Iftikhar Ahmed Khan	(In CRP 310/2013)
Laeq Ahmed Khan	(In CRP 311/2013)
Khuda Bakhsh	(In CRP 312/2013)
Muhammad Rafiq Haider	(In CRP 320/2013)
Sikandar Hayat Shaheen	(In CRP 321/2013)
Syed Abid Abbas	(In CRP 323/2013)
Muhammad Arsahd Saeed	(In CRP 324/2013)
I.M. Mohsin	(In CRP 325/2013)
Abdul Qadir Haye	(In CRP 326/2013)
Wajahat Latif	(In CRP 327/2013)
Sultan Azam Temuri	(In CRP 348/2013)
Abdul Hannan	(In CRP 349/2013)
Tahir Awais	(In CRP 354/2013)
Ch. Tahir Sattar	(In CRP 355/2013)
Zakir Ali	(In CRP 356/2013)
Miss Sadia Afzal Rana and another	(In CRP 361/2013)
Sardar Amir Mumtaz	(In CRP 362/2013)
Brig (R) Zahid Waheed Butt	(In CRP 364/2013)
Agha Baqir Ali and another	(In CRP 365/2013)
Agha Sibtain Raza	(In CRP 366/2013)
Amjad Bashir and others	(In CRP 373/2013)
Muhammad Afzal Khan	(In CRP 377/2013)
Israr Ahmed	(In CRP 378/2013)
Saad Ullah Khan	(In CRP 357/2013)
Amjad Ayub Khan	(In CRP 358/2013)
Naib Khan	(In CRP 359/2013)
Khan Javed Iqbal	(In CRP 360/2013)
Ch. Talib Hussain Warriach	(In CRP 363/2013)
Muhammad Anwar Javed Cheema etc	(In CRP 367/2013)
Muhammad Hassan Qureshi	(In CRP 368/2013)
Tauqeer Anwar Durrani and others	(In CRP 369/2013)
Muhammad Fayyaz	(In CRP 370/2013)
Alam Zaib Khan and others	(In CRP 371/2013)

Samina Asmat
Dewan Muhammad Ziaur Rehman Farooqi
Mian Najam Sohail and others
Mrs. Yasmeen Nasser Mian
Ghulam Sughra
Jawad Bashir
Muhammad Hassan
Khawaja Abdul Haq Tahir
Muhammad Umer Khayam
Mohsin Shahzad
Asad ur Rehman
Mrs. Shahida Nasreen
Mst. Sooban Bi
Muhammad Zaman Shahid
Imran Hussain
Arif Hussain
Naseer Ali
Mrs. Farhat Razzaque
Mrs. Nayyar Rafat
Mrs. Surriya Nawaz
Fasihur Rehman
Mrs. Erum Fayyaz

(In CRP 372/2013)
(In CRP 374/2013)
(In CRP 375/2013)
(In CRP 376/2013)
(In CRP 31/2014)
(In CRP 32/2014)
(In CRP 33/2014)
(In CRP 49/2014)
(In CRP 50/2014)
(In CRP 51/2014)
(In CRP 52/2014)
(In CRP 53/2014)
(In CRP 54/2014)
(In CMA 1059/2014)
(In CMA 1063/2014)
(In CMA 2334/2014)
(In CMA 2338/2014)
(In CMA 2343/2014)
(In CMA 2347/2014)
(In CMA 2351/2014)
(In CMA 2353/2014)
(In CMA 1429/2015)

... Petitioners/Applicants

VERSUS

National Police Foundation through its M.D. etc (In all cases)
... Respondents

For the Petitioners:

Mr. Makhdoom Ali Khan, Sr. ASC
(In CRP 309/2013)

Mr. Hamid Khan, Sr. ASC
(In CRPs 310 to 312 & 349/2013)

Mr. Zahid Nawaz Cheema, ASC
Syed Ali Zafar, ASC
(In CRPs 320, 321, 323, 324 to 327, 348 & 378/13)

Dr. Rana Muhammad Shamim, ASC
(In CRP 361/2013)

Malik Waheed Anjum, ASC
(In CRP 362/2013)

Malik Jawwad Khalid, ASC
(In CRPs 355 & 373/2013 & CMA No. 1059/2014)

Mian Abdul Rauf, ASC
(In CRPs 356 to 360/2013 & CRPs 51 & 52/2014)

Mr. Muhammad Aslam Ghumman, ASC
(In CRP 363/2013)

Raja Inam Ameen Minhas, ASC
(In CRP 364/2013)

Malik Ghulam Mustafa Kandwal, ASC
(In CRPs 367 to 370, 375/2013 & CMA 1063/2014)

Syed Rifaqat Hussain Shah, AOR
(In CRPs 371-372/2013)

In person
(In CRPs 376-377/2013)

Mr. Shamshadullah Cheema, ASC
(In CRP 33/2014)

Sardar Muhammad Ghazi, ASC
(In CRP 49/2014 & CMA 2353/2014)

Sardar Muhammad Ashfaq Abbasi, ASC
(In CRP 50/2014)

Mr. Hashmat Ali Habib, ASC
(In CMAs 2334, 2338, 2343, 2347, 2351/2014)

Mr. Afnan Karim Kundi, ASC
(In CRPs 365-366/2013)

Ch. Naseer Ahmed Tahir, ASC
(In CRP 354/2013)

Mr. Muhammad Munir Paracha, ASC
(In CRP 374/2013)

Mr. Rehan ud Din Galra, ASC
(In CRPs 53-54/2014)

Mr. Farhat Nawaz Lodhi, ASC
(In CRPs 31 & 32/2014)

Mr. Muhammad Ilyas Siddiqui, ASC
(In CMA 1429/2014)

For the Respondents: Syed Zahid Hussain Bukhari, ASC
Syed Asghar Hussain Sabzwari, ASC
Dr. Aslam Khaki, ASC
Raja Abdul Ghafoor, AOR

Dates of Hearing: 21/26/27/29.05.2014 & 06.04.2015

JUDGMENT

IJAZ AHMED CHAUDHRY, J.- Through these review petitions, the petitioners seek review of this Court's judgment dated 31.10.2013 passed in SMC No. 11/2011 whereby the said SMC was disposed of with the following directions: -

- "1. The illegalities and irregularities in the procurement of land committed by the Board of Directors in connivance with Anjum Aqeel Khan are worst examples of corruption and corrupt practices and all those who are responsible are liable to be penalized in accordance with the law of the land and also to make the loss good by recovering the said loss through coercive measures.*
- 2. All the plots, one, two or more than that which have been illegally and un-authorizedly allotted without entitlement, as discussed above, to any person, whether police officials, employees of NPF, other government officials or the civilians, businessmen, etc. or their dependents are declared to be illegally allotted and are thus cancelled forthwith. However, if they are interested to retain the plots in their names they are directed to pay price thereof according to the present market value within a period of two months from today.*
- 3. Anjum Aqeel Khan or his nominee shall be entitled to retain only those plots in lieu whereof he has given land for being affiliated and not otherwise, that too subject to payment of development charges according to the nature of the plots within two months. In case he or his nominee fails to pay the development charges within a period of two months, he shall not be entitled to retain them.*
- 4. Anjum Aqeel Khan is directed to fulfill his outstanding liability of 126 kanals of land as undertaken by him through agreement dated 27.5.2011 reproduced in para No. 31 and if he is not in a position to provide 126 kanals of land to the Foundations then he will pay present market price of 88 developed plots in accordance with 54:46 ratio formula of CDA and adopted by the Foundation within the period of two months from today, otherwise law will take its own course by initiating penal action as well as attachment of all*

his property, moveable or immoveable and that of his dependents.

5. *The persons who are nominated for allotment of plots by Anjum Aqeel Khan without having corresponding land transferred in the name of NPF or who have filed miscellaneous applications against Anjum Aqeel Khan, shall not be allotted plots until and unless they are found legally entitled to such allotment by way of affiliation or through any other mode. They are at liberty to launch any sort of proceedings against Anjum Aqeel Khan, if so desired. However, it is clarified that the Foundation will not be responsible for any act or omission of said Anjum Aqeel Khan while nominating the persons for allotment of plot in the Foundation.*
6. *Any other shortfall of land is directed to be made up by Anjum Aqeel Khan of M/s Land Linkers.*
7. *The Managing Director of the National Police Foundation is directed to ensure compliance with the aforesaid directions in letter and spirit within a period of two months from today and submit compliance report thereof to this Court, whereafter the Auditor General for Pakistan shall get the accounts of the Foundation audited as well as transactions of allotment of plots, affiliation of land as well as transactions of allotment of plots, affiliation of land and deposit of development charges with the Foundation and submit report to this Court within a month. He shall also submit audit report regarding receipts and payments by the Foundation from the date of its creation till date.*
8. *As a consequence of our above conclusion, it has been found necessary to initiate proceedings against Anjum Aqeel Khan and other responsible persons, whose reference has been made in the preceding paras. Chairman NAB is directed to initiate the proceedings under the NAB Ordinance, 1999 as amended, promptly, so it*

may serve the deterrence of like minded people. It is further directed that the progress report shall be submitted by the Chairman NAB through the Registrar of this Court for the action taken by him within 90 days."

2. Mr. Makhdoom Ali Khan, learned counsel for the petitioner Anjum Aqeel Khan in CRP No. 309/2013 seeks review of the impugned judgment by contending that there are errors apparent on the face of record in the judgment under review which need to be corrected; that this Court in exercise of suo moto jurisdiction cannot side step and bypass the safeguards which are available to a party under the law in civil proceedings; that this Court during the pendency of the criminal proceedings could not make observations and record findings without recording of evidence as this would seriously prejudice the right of the petitioner in the criminal proceedings; that by means of the judgment under review, right to fair trial as envisaged under Article 10-A of the Constitution has been denied to the petitioner; that the petitioner cannot be declared as corrupt without recording of evidence as required under Qanoon-e-Shahadat Order, 1984; that in the presence of conflicting reports by the various authorities and without conducting a land audit, the petitioner cannot be directed to provide 126 kanals of land; that the cost of the land was actually fixed by the head of the Police Foundation, which was accepted by the petitioner, rather he paid the extra amount; that the petitioner was not afforded an opportunity to confront and cross-examine the author of the report i.e. former M.D. National Police

Foundation; that this Court cannot record finding of fact in exercise of suo moto jurisdiction; that this Court has not taken into consideration the fact that criminal proceedings against the petitioner had already been undertaken by the Federal Investigation Agency (FIA) in which he was declared innocent and in this view of the matter, the Reference could not have been sent to NAB against the petitioner; that exorbitant liability has been imposed on the petitioner, which is against the facts and circumstances of the present case.

3. Mr. Hamid Khan, learned counsel for the petitioners / ex-officials of National Police Foundation / Board of Directors in CRP Nos. 310 to 312 & 349 of 2013 has contended that the officials had acted in good faith and the alleged irregularities and illegalities cannot be attributed to the petitioners; that the petitioners cannot be held guilty by solely relying upon the report of Mr. Zafar Ahmed Qureshi, former M.D. of the National Police Foundation; that the definition of 'charitable purpose' as appeared in Section 2 of the Charitable Endowments Act, 1890 is non-exhaustive; that the news reporter Mr. Rauf Kalasra, on whose report the suo moto action was taken, was not legally bound to appear or to file his affidavit as provided in the Supreme Court Rules; that even he was not cross-examined by the petitioners and in such circumstances his statement could not have been relied upon by this Court. He further added that due process of law has not been adopted and right to fair trial as provided under Article 10-A of the Constitution has also not

been given to the petitioners; that the petitioners while discharging their duties have exercised their powers in the best interest of the Foundation for making the housing scheme successful; that the Constitution of the National Police Foundation does not restrict its Board of Directors from allotting more than one plot to any person; that there is no legal restriction or bar against allotment of plots by the Committee of Administration as a reward for good service by its employees who fell within the definition of beneficiaries or allotment of plots to the relatives of the employees of the NPF; that under Section 18 of the NAB Ordinance, 1999, only the Chairman of NAB or the person duly authorized by him is empowered to take a decision regarding initiation of proceedings against anyone; that petitioners in the earlier investigation conducted by the FIA had been declared innocent by the Special Judge Central and holding them guilty amounts to violation of Article 13 of the Constitution which *inter alia* provides that a person could not be prosecuted or punished for the same offence twice and that the judgment under review is liable to be reviewed on the points mentioned above.

4. Learned counsel for the petitioners / allottees of the plots Syed Ali Zafar in CRP Nos. 320, 321, 323 to 327, 348 & 378 of 2013 has submitted that the petitioners had purchased the plots from National Police Foundation about 25 years ago when the area was totally undeveloped and barren and in fact the Foundation was not in possession of any land; that in spite

of such conditions the petitioners paid the market price for the plots in the hope that one day they will be able to live in a peaceful environment; that to determine whether the petitioners had purchased the plots below market price, as a first step an inquiry should have been conducted as to what was the market price of the land in question in the year 1989 or at the time when the same was purchased, which admittedly has not been done and in the absence of such an inquiry this Court could not have decided that the petitioners had obtained plots at cheaper rates; that the judgment under review is based on conjectures and assumptions and not on any direct or indirect evidence and the same is violative of Article 10A of the Constitution and the law laid down by this Court regarding due process of law. Regarding the issue whether the public or other family members of a police officer could purchase the plots, learned counsel contended that there is no such law in which an individual is stopped from owning property and the Court in coming to the conclusion that the family members of a police officer were not entitled to purchase the plots, had acted unlawfully. According to him, the only question was as to whether the market value was paid or not. Learned counsel further added that none of the ingredients which are *sine qua non* for the exercise of jurisdiction by this Court under Article 184(3) of the Constitution are present; that the schemes in which petitioners have purchased the plots at market price were not for the welfare of the serving or retired persons in the Police Force but

those were projects launched by NPF for the purposes of sale to the public and generation of income therefrom and that it was the income from this project that was to be used for the welfare of the serving and retired persons and that there was no restriction whatsoever in the terms and conditions that a family member of a police officer cannot apply for purchasing the plot in her own name.

5. Learned counsel for the petitioners in CRP Nos. 361, 362, 364 to 366, 373 of 2013 & 53 & 54 of 2014 and CMA No. 1059/2014 & petitioner in person in C.R.P. No. 377/2013 and learned counsel for the applicants in CMA Nos. 2334, 2338, 2343, 2347 & 2351 of 2014 have made almost similar prayers. According to them they were *bona fide* purchasers for consideration and their allotment has been cancelled without notice; that the petitioners/applicants were neither heard nor were made party; that the petitioners have unblemished service record and they have never misused or have ever transgressed their authority; that the allotment of plots in their favour was through a transparent and lawful manner and was in accordance with the relevant rules which were in vogue that time and that after a considerable long period in a suo moto jurisdiction, the legality of the allotment cannot be disputed.

6. The case of the petitioners in other review petitions i.e. CRP Nos. 354 to 360, 363, 367 to 372, 374 to 376 of 2013, 31 to 33, 49 & 50 to 52 of 2014 and applicants in CMA Nos. 1063 & 2353/2014 who are subsequent purchasers is that they

are *bona fide* purchasers for consideration after having undergone a thorough process of due verification and have paid market value without getting involved in any act of omission or commission for undue enrichment or malicious gain; that they have been condemned unheard; that they have acted in good faith; that in the absence of there being any ill-gotten gain, the petitioners/applicants have vested right that their proprietary rights in the properties with constructions thereon, if any, should be protected; that the judgment under review is silent about the fixation of the fair market prices presently prevailing; that if at all the amount is to be paid, then that must be paid by the original allottees who are established to have gained unlawfully or are the beneficiaries of undue enrichment. In view of the above, they have prayed for setting aside of the judgment under review.

7. Learned counsel for the National Police Foundation, on the other hand, has *inter alia* contended that the Housing Schemes were established on commercial basis; that it was not mentioned anywhere in the application form that other family members cannot apply; that the schemes were launched to generate funds as the Foundation was facing acute shortage of funds.

8. We have heard learned counsel for the petitioners / applicants as also learned counsel for the NPF and have deeply considered the submissions made by them.

9. It is on record that National Police Foundation has been established in the year 1975 under Charitable Endowment Act, 1890. The main purpose for its establishment was to provide relief to the poor police officials of throughout the country in the shape of medical, education, one time grant, artificial limbs, scholarships, dowry, vocational training centres etc. Word 'charitable purpose' has been defined in Section 2 of the Act which includes relief of the poor, education, medical relief and the advancement of any other object of general public utility, but does not include a purpose which relates exclusively to religious teaching or worship. As such the benefit could be given only to poor who are entitled to have share from charity. No one has argued that the NPF was not a charitable institution. We have noticed that the Committee of Administration of the NPF has framed rules according to their own choice irrespective of the scope of the Charitable Endowments Act under which the charitable institution was formed aiming at welfare and benefit of poor and needy police officials of all over the country. The NPF has deviated from the basic purpose of charitable for which it was established. So far as the question as to whether the NPF was authorized to launch private housing schemes for the general public is concerned, it has been discussed at length in the main judgment that the Foundation could do so only for the help of beneficiaries but not for private persons or officers / officials of other departments under the garb of beneficiaries. Establishment and launching of private housing schemes for the

general public is against the very object and aim of the Foundation. We have noted that only the influential persons have gotten the benefit of the schemes launched by the Foundation and the needy poor police officials have been deprived of their right. The argument that the schemes were launched only to generate funds is a belated argument just to save the skin. Such valuable plots have been squandered only to favour the higher police officers and other persons as also to their family members who were not at all entitled to the allotment of plots. Even the balloting was not done. If generation of funds was the main purpose, then the plots should have to be sold in open market so as to get maximum price. It was for these reasons that we have observed in the main judgment that *"in the garb of such objectives of the National Police Foundation the administration of the NPF decided to enrich their own pockets and to dole away the plots to the higher police officials and other higher government officials for a consideration which was not in consonance with the market price prevailing at that time."* We had also taken note of the fact that no criterion for allotment of plots was made and had observed in para 38 of the impugned judgment as under:-

"The Board of Directors of the Foundation while establishing housing schemes did not at all fix the criterion by making bye-laws / terms and conditions for allotment of plots in the housing schemes and divided plots to their nears and dears without there being any logic for such allotments. Even the Board of Directors did not frame any rules / bye-laws for allotment of plots to the general public and allotted plot to the persons of their choice without having published in the newspapers the

policy or criteria regarding allotment of plots. The plots in the said scheme were also not put to auction in accordance with law by the Board of Directors, as such, the Board of Directors has been utilizing the foundation for their personal gains for the benefit of their nears and dears."

It is correct that plots could be allotted to the officials/employees by the Committee of Administration but in all the process impartiality should be the most important factor, which as discussed above, was unfortunately found lacking in the instant process, which led to initiation of suo moto proceedings. In the main judgment, a list has been provided according to which more than one plot has been allotted to several police & government officials as also to other civilians. Some of the families were allotted five plots and some were allotted more than ten plots. In one case, an NPF employee was allotted 8 plots by the Foundation. There is a long list of police officials and even others who got two or more than two plots. Not only this, several plots have been allotted to family members of police officials. Some of the plots were even given at the rate of Rs.100/-. If for the sake of arguments we admit that the schemes were launched only to generate funds, then why several plots were allotted on a cheaper price of Rs.100/-. This clearly establishes that there was some *mala fide* on the part of the Foundation. For ready reference the list is reproduced as under:-

Srl. No.	Name & Designation	Plot No. & Size	Sche me	Date of Allotment	Cost of Land by NPF
1.	Mr. Abdul Qadir Haye,	379(50x90)	E-11	6.4.2003	1130000.00

	I.G.				
2.	Mrs. Shaheen Qadir Haye, wife of Abdul Qadir Haye	380(50x90)	E-11	9.3.2002	1130000.00
3.	Mr. Abdur Razzaque, I.G	480(50x90)	E-11	4.7.1998	1130100.00
4.	Mrs. Farhat Razzaque, w/o Mr. Abdur Razzaque	52(50x90)	E-11	4.7.1998	565100.00
5.	Mr. Afzal Ali Shigri, I.G.	558(50x90)	E-11	31.7.2002	463933.00
6.	Mrs. Mahlaqa Shigri, w/o Afzal Ali Shigri	557(50x90)	E-11	3.9.2001	1130100.00
7.	Miss Amna Rizvi, d/o Afzal Ali Shigri	556(50x90)	E-11	3.9.2001	1130100.00
8.	Miss Mahlaiqa Shigri, w/o Afzal Ali Shigri	1027-B (35x65)	O-9	4.11.2004	250100.00
9.	Mis amna Shigri, d/o Afzal Ali Shigri	1026-B(35x65)	O-9	4.11.2004	250100.00
10.	Mrs. Gulshan Iftikhar, w/o Iftikhar Rasheed, I.G.	1011(50x90)	E-11	11.11.2002	1575100.00
11.	Miss Sheze Iftikhar, d/o Iftikhar Rasheed, I.G.		E-11	10.5.2002	1575100.00
12.	Mr. Kaleem Iman, I.G.	661(50x90)	E-11	14.2.2002	1690100.00
13.	Mrs. Ayusha Hanif w/o Kaleem Imam, I.G.	1041(50x90)	E-11	22.4.2003	1690100.00
14.	Mr. Muhammad Rafique Haider, I.G.	485(50x90)	E-11	4.7.1988	1130100.00
15.	Mrs. Nabeela Rafique Haider	486(50x90)	E-11	4.7.1998	1130100.00
16.	Rana Altaf Majeed, I.G.	470(50x90)	E-11	4.7.1998	1200600.00
17.	Mrs. Salwa Rana	469(50x90)	E-11	4.7.1998	1130100.00
18.	Saiyed Mohib Asad, I.G.	643-C(50x90)	E-11	4.7.1998	393433.00
19.	Mrs. Nigar Mohib, wife of Saiyed Mohib Asad, I.G.	722(50x90)	E-11	22.8.2002	1575100.00
20.	Syed Abid Abbas, DSP	251(35x65)	E-11	4.7.1998	565100.00
21.	Mrs. Romana Abid, w/o Abid Abbas, DSP	774(35x65)	E-11	11.11.2002	787600.00
22.	Mrs. Romana Abid, w/o Abid Abbas, DSP	430-X(50x90)	O-9	15.4.2003	500100.00
23.	Syed Abid Abbas, DSP	82(12x20)	O-9	8.12.2001	56100.00

24.	Mr. Haq Nawaz Kiani, SP	807(35x65)	E-11	14.2.2002	787600.00
25.	Mrs. Pakeeza Nawaz Kiani, w/o Haq Nawaz Kiani, SP	674(50x90)	E-11	14.2.2002	1575100.00
26.	Miss Hina Nawaz, d/o Haq Nawaz Kiani, SP	540(50x90)	E-11	4.7.1998	1130100.00
27.	Mr. Behram Tariq, I.G.	29(50x90)	E-11	4.7.1998	1130100.00
28.	Mrs. Farida Sultana, w/o Behram Tariq, I.G.	29(50x90)	E-11	4.7.1998	1130100.00
29.	Ch. Muhammad Akmal, Inspector	546(50x90)	E-11	4.7.1998	1130100.00
30.	Mrs. Farzana Akmal, w/o Ch. Muhammad Akmal, Inspector	545(50x90)	E-11	4.7.1998	1130100.00
31.	Mr. Wajahat Latif, I.G.	476(50x90)	E-11	4.7.1998	1200600.00
32.	Mr. Ahmad Latif, Banker, s/o Wajahat Latif	477(50x90)	E-11	4.7.1998	1200600.00
33.	Mr. Mohammad Nawaz Malik, I.G.	632-F(50x90)	E-11	14.2.2002	1575100.00
34.	Mrs. Surriya Nawaz, w/o Mohammad Nawaz Malik	632-G(50x90)	E-11	20.2.2002	1575100.00
35.	Mr. Naseer Ali, Banker, s/o Muhammad Nawaz Malik	2112-A(50x90)	O-9	11.9.2003	500100.00
36.	Mr. Arif Hussain, Accountant, s/o Muhammad Nawaz Malik	2093-T(50x90)	O-9	11.9.2003	500100.00
37.	Mr. Manzoor Ahmad, I.G.	669 Sub-1068(50x90)	E-11	1.12.1999	1200600.00
38.	Mrs. Qaisar Sultana, w/o Manzoor Ahmed	670(50x90)	E-11	1.12.1999	1130100.00
39.	Ch. Manzoor Ahmad, I.G.	400-B (35x65)	O-9	7.10.2011	251000.00
40.	Mr. Zaheed Waheed Butt, Brig.	676(50x90)	E-11	29.3.2002	1575100.00
41.	Mrs. Zille Huma Dar, w/o Zahid Waheed Butt, Brig.	645(35x65)	E-11	29.3.2002	105400.00
42.	Mr. Muhammad Afzal Rana, Lt. Col.	708(50x90)	E-11	20.2.2002	787600.00
43.	Miss. Sadia Afzal Rana, d/o Muhammad Afzal Rana	1035(50x90)	E-11	11.11.2002	1500350.00

44.	Agha Baqir Ali , Foreign Service Officer	871(50x90)	O-9	4.4.1991	240100.00
45.	Agha Sibtain Raza s/o Agha Baqir Ali	873(50x90)	O-9	4.4.1991	240100.00
46.	Mr. Amjad Bashir, s/o Mr. Muhammad Bashir	1845- V(50x90)	O-9	26.2.2005	958100.00
47.	Miam Imtiaz Bashir, s/o Mr. Muhammad Bashir	1845- H(50x90)	O-9	25.2.2005	500100.00
48.	Mr. Shaukat Aziz, Ex- Prime Minister	411(50x90)	E-11	20.8.2002	1105100.00
49.	Mr. Shaukat Aziz, Ex- Prime Minister	357(50x90)	O-9	7.10.1990	245100.00
50.	Mrs. Rukhsana Aziz, w/o Shaukat Aziz, Ex- P.M.	358(50x90)	O-9	7.10.1990	245100.00
51.	Mr. Israr Ahmed, I.G.	594(50x90)	O-9	22.10.1990	245100.00
52.	Mr. Israr Ahmed, I.G.	286(50x90)	E-11	4.7.1998	1105100.00
53.	Mrs. Maimoona Israr, w/o Israr Ahmed	593(50x90)	O-9	22.10.1990	240100.00
54.	Mr. Sagheer Ahmed, PIA	143(40x60)	O-9	10.1.2005	1066880.00
55.	Mrs. Shaista Sagheer, wife of Sageer Ahmad	76(12x20)	O-9	19.12.2002	106780.00
56.	Malik Nazir Ahmad, Banker	34(15x30)	O-9	28.12.1999	104100.00
57.	Mrs. Nasim Akhtar Naz, w/o Malik Nazir Ahmad	33(15x30)	O-9	28.12.1999	104100.00
58.	Syeda Farzana Hussain, w/o Syed Shaukat Hussain	130(15x30)	O-9	28.10.2002	200100.00
59.	Syeda Naureen Batool, d/o Syed Shoukat Hussain	122(15x30)	O-9	28.10.2002	200100.00
60.	Mr. Sulran Azam Temori, IG	718(50x90)	E-11	14.2.2002	1665100.00
61.	Mr. Sultan Azam Temuri, DIG	88(12x20)	O-9	14.12.2001	56367.00
62.	Mrs. Rabia Temuri, w/o Sultan Azam Temuri	160(15x30)	O-9	4.11.2003	200100.00
63.	Mr. Siraj Din, Businessman, s/o Muhammad Din	52(12x20)	O-9	18.7.2002	53434.00
64.	Mr. Naik Bakht s/o Muhammad Din	53(12x20)	O-9	18.7.2002	43434.00

65	Mrs. Bilqees Akhtar, w/o Ghulam Ali	121(15x30)	O-9	18.10.2002	200100.00
66.	Miss Batool Akhtar, d/o Ghulam Ali	113(15x30)	O-9	18.10.2002	200100.00
67.	Mr. Ahsan-ulHaq s/o Abdul Aziz	109(15x30)	O-9	19.12.2002	200100.00
68.	Mr. Rizwan-ul-Haq s/o Abdul Aziz	108(15x30)	O-9	19.12.2002	200100.00
69.	Mr. Arif Qayum, Businessman	148(15x30)	O-9	17.8.2011	200100.00
70.	Mrs. Najma Arif, w/o Arif Qayyum	147(15x30)	O-9	18.6.2003	200100.00
71.	Mr. Humayoun Javaid, ® Director FIA	184(12x20)	O-9	22.2.2010	1491000.00
72.	Mr. Humayoun Javaid, ® Director FIA	185(12x20)	O-9	22.2.2010	1491000.00
73.	Mr. Fazal Mehmood Malik, Businessman	187(12x20)	O-9	22.2.2010	1521000.00
74.	Mr. Fazal Mehmood Malik, Businessman	188(12x20)	O-9	22.2.2010	1521000.00
75.	Mr. Zaheer Mahmood, Businessman, s/o Mahmood Khan	2093-B (50x90)	O-9	8.3.2003	100.00
76.	Mr. Mudasser Sheraz, s/o Mahmood Khan	2093-C (50x90)	O-9	8.3.2003	100.00
77.	Mrs. Ghulam Sughra, w/o Mr. Muhammad Bashir Shakir, Captian	119-K (50x90)	O-9	31.3.2003	500100.00
78.	Mr. Jawad Bashir, s.o Muhammad Bashir Shakir	119-L (50x90)	O-9	31.3.2003	500100.00
79.	Mrs. Zahida Parveen, w/o Ch. Imtiaz Ahmad	119-G (50x90)	O-9	1.4.2003	500100.00
80.	Miss. Zehra Imtiaz, d/o Ch. Imtiaz Ahmad	119-H (50x90)	O-9	1.4.2003	500100.00
81.	Syed Muhammad Shahwaze Abbas Sherazi s/o Syed Safeer Hussain Shah Sherazi, DSP	698-L (50x90)	O-9	25.2.2003	100.00
82.	Syedia Saffia Kazmi, w/o Syed Safeer Hussain Shah Sherazi, DSP	698-N (50x90)	O-9	25.2.2003	100.00
83.	Syed Ibn-e-Ali Rizvi, s/o Syed Sardar ali Shah	163-H (50x90)	O-9	1.3.2003	450100.00
84.	Mrs. Narjis Batool Kazi, Doctor, w/o Syed	163-G	O-9	1.3.2003	450100.00

	Ibn-e-Ali Rizvi	(50x90)			
85.	Mr. Jehangir Akhtar s/o Noor Mohammad	400-M (50x90)	O-9	31.3.2003	500100.00
86.	Mr. Tanveer Akhtar, Businessman, s/o Noor Muhammad	400-N (50x90)	O-9	31.3.2003	500100.00
87.	Mr. Babar Mumtaz, DSP	450-K (50x90)	O-9	31.3.2003	500100.00
88.	Mr. Amir Mumtaz s/o Sardar Mumtaz Ali Khan	450-L (50x90)	O-9	31.3.2003	500100.00
89.	Mr. Muhammad Farhan Ghauri s/o Muhammad Sharif Ijaz Ghauri	99-D (50x90)	O.-9	27.1.2004	337500.00
90.	Mr. Muhammad Faisal Ghauri, s/o Muhammad Sharif Ijaz Ghauri	99-F (50x90)	O-9	27.1.2004	337500.00
91.	Mr. Akhtar Mahmud, Businessman s/o Ch. Khuda Dad Khan	2150 (50x90)	O-9	16.9.2002	450100.00
92.	Mrs. Naila Akhtar, W/o Akhtar Mahmud	2151 (50x90)	O-9	16.9.2002	450100.00
93.	Mr. Muhammad Afzal Khan, S.J. (R.)	2096 (50x90)	O-9	4.9.2002	450100.00
94.	Miss Atika Khan, d/o Muhammad Afzal Khan	2093 (50x90)	O-9	4.9.2002	450100.00
95.	Mr. Mehmood Farooq Khan, NRSP, s/o Muhammad Akbar Khan	2105 (50x90)	O-9	15.6.2001	450100.00
96.	Mr. Masood Akbar, NRSP, s/o Muhammad Akbar Khan	2106	O-9	15.6.2001	450100.00
97.	Mr. Abdul Sattar, Businessman s/o Abdul Ghafoor	451-R (50x90)	O-9	1.4.2003	100.00
98.	Mrs. Shafqat Sattar, W/o Abdul Sattar	451-U	O-9	1.4.2003	100.00
99.	Mr. Mohammad Ahsan Shahzad, s/o Abdul Sattar	451-T (50x90)	O-9	1.4.2003	100.00
100.	Mr. Arshad Munir, s/o Abdul Ghafoor	451-S (50x90)	O-9	1.4.2003	100.00
101.	Mr. Tayyab Aziz, Businessman, s/o Abdul Aziz	451-P (50x90)	O-9	1.4.2003	100.00

102.	Mrs. Rukhsana Tayyab w/o Tayyab Aziz	451-N (50x90)	O-9	1.4.2003	100.00
103.	Hafiz S.d. Jamy, IG (Ex-MD NPF)	446(50x90)	E-11	4.7.1998	1188920.00
104.	Mr. Hassan Naveed Jamy, Engineer, s/o Hafiz S.d. Jamy	255(50x90)	O-9	10.10.1990	240100.00
105.	Mr. Gul Najam Jamy, Govt. Service, s/o Hafiz S.d. Jamy	813(50x90)	O-9	11.10.1990	245100.00
106.	Mr. I.M. Mohsin, I.G.	672(50x90)	E-11	14.2.2002	1130100.00
107.	Mr. I.M. Mohsin, I.G.	884(50x90)	O-9	19.2.1991	245100.00
108.	Mr. Rajeel Mohsin, s/o I. M. Mohsin	1021 (50x90)	E-11	11.11.2002	1575100.00
109.	Miss Nashita Mariyam, d/o I. M. Mohsin	217-A (50x90)	O-9	17.11.1992	280100.00
110.	Mr. Usman Amin Mian s/o Mian Muhammad Amin (I.G.) Ex-MD NPF	457(50x90)	E-11	21.3.2000	1200600.00
111.	Mr. Afnan Amin Mian, Engineer, s/o Mian Muhammad Amin (I.G.) Ex-MD NPF	606 (50x90)	E-11	21.3.2000	1130100.00
112.	Dr. Sikandar Amin Mian, Doctor, s/o Mian Muhammad Amin (I.G.) Ex-MD NPF	605(50x90)	E-11	4.7.1998	1130100.00
113.	Dr. Kamran Fazal, DD/FIA, son in law of Mian Muhammad Amin (I.G.) Ex-MD NPF	541(50x90)	E-11	4.7.1998	1200600.00
114.	Dr. Naila Kamran, D/o Mian Muhammad Amin (I.G.) Ex-MD NPF	542(50x90)	E-11	4.7.1998	1200600.00
115.	Mrs. Silva Nishat, Mother of son in law of Mian Muhammad Amin (I.G.) Ex-MD NPF	479(50x90)	E-11	4.7.1998	1200600.00
116.	Mr. Laeeq Ahmad Khan DIG	456 (50 X 90)	E-11	30.3.2002	541766.00
117.	Mr. Laeeq Ahmad Khan DIG	289 (50 X 90)	E-11	04.07.1998	1132100.00
118.	Mrs. Hina Asher Khan d/o Laeeq Ahmed Khan	57 (12 X 20)	O-9	22.11.2002	106780.00
119.	Mr. Umar Alam Khan son of Laeeq Ahmed Khan, Marketing Manager NPF	4 12 X 20)	O-9	30.3.2002	56100.00
120.	Mr.Mrs. Aisha Khanum wife of Umar Alam Khan	5 (12 X 20)	O-9	01.04.2001	56100.00

121.	Mr. Sikandar Hayat Shaheen, DIG	511 (50 X 90)	E-11	28.03.2002	580100.00
122.	Mrs. Riffat Shaheen wife of Sikandar Hayat Shaheen	582 50 X 90	E-11	04.07.1998	1130100.00
123.	Miss Fatima Shaheen d/o Sikandar Hayat Shaheen	1273 (50 X 90)	O-9	17.06.2002	450100.00
124.	Dr. Amina Shaheen (Lady Doctor) d/o Sikandar Hayat Shaheen	400-B (50 X 90)	O-9	17.06.2002	450100.00
125.	Mr.Muhammad Khawar Saeed Brother-in-Law of Sikandar Hayat Shaheen	797 (35 X 65)	E-11	27.12.2002	775100.00
126.	Mr. Abdul Hannan Ex-Addl.Dir./NPF	512 (50 X 90)	E-11	30.03.2002	516766.00
127.	Mr. Abdul Mateen Kamran, Businessman son of Abdul Hannan	604 (50 X 90)	E-11	04.12.2002	1575100.00
128.	Mr. Faisal Hannan, Businessman son of Abdul Hannan	1006 (50 X 90)	E-11	11.11.2002	1575100.00
129.	Mr.Abdul Mateen Kamran, Businessman son of Abdul Hannan	137 (50 X 70)	O-9	14.5.2003	777877.00
130.	Mr. Faisal Hannan, Businessman son of Abdul Hannan	136 (50 X 70)	O-9	14.05.2003	77877.00
131.	Mr. Umar Hannan son of Abdul Hannan	135 (50 X 70)	O-9	14.05.2003	777877.00
132.	Miss Aisha Hannan D/o of Abdul Hannan	147 (50 X 70)	O-9	14.05.2003	777877.00
133.	Mrs. Shahida Nasreen wife of Khuda Bukhsh	138 (50 X 70) (purchased)	O-9	13.05.2003	777877.00
134.	Mrs. Soban Bi wife of Khuda Bukhsh	142 (40 X 60)	O-9	07.01.2005	1066780.00
135.	Mrs. Shahida Nasreen wife of Khuda Bukhsh	752 (50 X 90) (purchased)	O-9	07.02.1991	240100.00
136.	Mrs. Shahida Nasreen wife of Khuda Bukhsh	1074 (35 X 65)	O-9	07.02.1991	122600.00
137.	Mr. Khuda Bukhsh Ex-DDH/NPF	149 (50 X 70)	O-9	13.05.2003	777877.00
138.	Mrs. Shahida Nasreen wife of Khuda Bukhsh	124 (15 X 30)	O-9	13.01.2003	200100.00
139.	Mr. Khuda Bakhsh Ex-DDH/NPF	513 (50 X 90)	E-11	04.07.1998	541766.00
140.	Mr. Khuda Bakhsh Ex-DDH/NPF	426 (50 X 90)	E-11	04.07.1998	1025575.00
141.	Mr. Asad-ur-Rehman son of Khuda Bukhsh	409-A (50 X 90)	E-11	05.09.2003	1575100.00
142.	Mr. Khuda Bakhsh Ex-DDH/NPF	212 (35 X 65)	E-11 (Mem bersh ip)	04.07.1998	565100.00
143.	Miss Nasira Naureen	644	E-11	21.02.2003	2871300.00

	d/o Khuda Bukhsh	(50 & 90)	(purchase)		
144.	Mr. Khuda Bakhsh, Ex-DDH/NPF	211 (35 X 65)	E-11 Membership	04.07.1998	565100.00
145.	Mr.Muhammad Zaman	138 (15 X 30)	O-9	27.05.2003	200100.00
146.	Mr. Muhammad Zaman Ex-Site Engineer/NPF	298 (25 X 45)	O-9	02.08.2002	112600.00
147.	Mr.Muhammad Zaman Ex-Site Engineer/NPF	303 (35 X 65)	E-11	04.07.1998	600350.00
148.	Mrs. Nayyar Rafat wife of Syed Rafat Mustafa	69 (50 X 90)	E-11	04.07.1998	1130100.00
149.	Syed Rafat Mustafa ex-DD/B&A	510 (50 X 90)	E-11	28.03.2002	516767.00
150.	Mrs. Bibi Hanifa wife of Mumtaz Ellahi	100 (35 X 65)	E-11	04.07.1998	600350.00
151.	Mr. Mumtaz Ellahi ex-PSO to MD/NPF	632-B (50 X 90)	E-11	04.07.1998	1130100.00
152.	Mr. Mumtaz Ellahi ex-PSO to MD/NPF	45 (35 X 65)	E-11	04.07.1998	565100.00
153.	Mr. Abdul Jamal Khan, DF/NPF	514 (50 X 90)	E-11	28.03.2002	516766.00
154.	Mrs. Zarina Khan d/o Abdul Jamal Khan	996 (50 X 90)	E-11	11.11.2002	1550100.00
155.	Mr.Muhammad Khan Asstt:/NPF	206 (35 X 65)	E-11	04.07.1998	552600.00
156.	Mrs. Naseem Akhtar wife of Muhammad Khan	357 (35 X 65)	E-11	04.07.1998	552600.00

10. The above list clearly proves that the Management of the NPF have allotted plots to the police officials not only over and above their entitlement but certain civilians of their choice as well as military officials have been allotted plots, who even do not fall within the definition of the beneficiaries as discussed earlier. Even the possibility cannot be ruled out that the officials sitting at the helm of affairs in the NPF have not provided the complete list and have concealed many of other identical cases. So far as the argument of learned counsel that none of the ingredients for the exercise of suo moto jurisdiction by this Court are present in these proceedings is concerned, we have

found that it is a classic case of public importance where loot-sale of plots was going on in the name of generation of funds depriving the deserving poor police officials and the same squarely fell within the ambit of Article 184(3) of the Constitution. This Court has full powers to take suo moto action in such like cases of public importance.

11. So far as the case of Anjum Aqeel Khan is concerned, during the pendency of the proceedings at the time of hearing of S.M.C. No. 11/2011, the matter was inquired into by Mr. Zafar Ahmed Qureshi, Ex-M.D. of NPF. In the said inquiry not only Anjum Aqeel Khan was associated but the concerned officials of the NPF were also associated. Anjum Aqeel Khan not only admitted lapses on his part but also entered into agreements with the Foundation so as to make the loss good. These agreements are on record and are reproduced in the main judgment. If he had not done any wrong or he was not involved, then why he admitted his lapses and entered into agreements with the Foundation. Even learned counsel for Anjum Aqeel Khan at the time of hearing of main case, in his CMA bearing No. 3742/2013 while summing up his arguments had also stated that Anjum Aqeel Khan is ready and willing to abide by the terms of the settlement agreement signed by him with the NPF. Due to this reason, we had directed Chairman NAB to initiate proceedings against the delinquent persons as also against Anjum Aqeel Khan. One of the arguments raised by learned counsel was that Mr. Rauf Kalasra (journalist) on whose

report the suo moto action was taken was not legally entitled to appear or to file his affidavit. However, this argument is misconceived. He had appeared at the asking of the Court in order to do complete justice and the impugned judgment was not passed only on his statement. It was the matter of great public importance, which compelled this Court to pass the impugned judgment. So far as the argument raised that under Section 18 of the National Accountability Bureau Ordinance, 1999, only the Chairman NAB or the person duly authorized by him is empowered to take a decision regarding initiation of proceedings against anyone is concerned, it is stated that this Court under Article 184(3) of the Constitution has very vast powers and if this Court considers that a question of public importance with reference to the enforcement of any of the fundamental rights conferred by the Constitution is involved, it has jurisdiction to pass appropriate orders. In Muhammad Yasin Vs. Federation of Pakistan through Secretary Establishment Division (2012 PLD 132) petitioner filed a direct petition before this Court assailing appointment of respondent as Chairman OGRA. This Court declared the appointment of respondent as *void ab initio* and directed the NAB to proceed in the matter of serious allegations enumerated in the Constitution petition including those enumerated in the judgment and the conduct of State functionaries who were engaged in the process of selection of respondent as Chairman OGRA. This Court in several other cases like Rental power case, Hajj scam and

Punjab Bank case had sent the matters to NAB. In Ashfaque Ahmed Vs. National Accountability Bureau through Chairman (2014 PLD 109, Quetta) petitioner was civil servant who was found involved in embezzlement and the Service Tribunal had referred the matter to NAB for initiation of proceedings. The petitioner challenged the said order before the Balochistan High Court with the contention that cognizance of any offence could only be taken on a reference made by the Chairman NAB and as such proceedings initiated on the directions of Service Tribunal were *coram non judice*. The learned High Court has held that anybody or any authority could inform the NAB that a person was involved in an offence and such information could be termed as complaint and that NAB authorities could initiate proceedings against a person on its own accord, only on coming to know about an offence from any source, including a reference received from government or upon receipt of a complaint. Such information could also be gathered from a judgment or order of Tribunal or Court, forming basis to initiate proceedings by the Chairman NAB on its own accord. One of the points raised by learned counsel was that the impugned judgment amounts to violation of Article 13 of the Constitution as vide the judgment the Board of Directors / employees have been held guilty. The apprehension of learned counsel is misconceived. We have not declared any person as guilty but have only referred the matter to NAB to investigate the matter fairly, justly and in accordance with law. If someone is not guilty, he should not have any fear in

his mind and in the facts and circumstances of this case no question of violation of Article 13 of the Constitution arises. However, it is made clear that all the observations made in these proceedings are tentative in nature and NAB or any other investigating agency will proceed against the delinquent persons strictly on merit without being influenced by any observations made in these proceedings.

12. We have noticed that at the time of hearing of main case, the case of the persons who have been allotted more than one plot was that they were dependents of the police officers. However, in these proceedings they have taken a different stance that there was no mention in the application form that the family member of a police officer could not purchase the plots and that they have purchased the plots in their own capacity. However, the NPF has admitted that they were beneficiaries. As we have discussed above, the main purpose for the establishment of NPF was to provide relief to the poor and deserving police officials of all over the country and not to only higher and influential persons as also to their families. The purpose could be justly and fairly met if only one plot was allotted to only deserving police officials, but unfortunately the same has not been done. All what has been done in the name of generation of funds and charity is nothing but a severe and gross illegality.

13. **There are three categories of persons in this case. First, where the persons were allotted only one plot.**

There are further two sub categories in the first category. In first type police officers / officials or employees of the Foundation have been allotted only one plot each and in second type, civilians, bureaucrats, army personnels etc have been allotted only one plot each. Second, where the persons were allotted more than one plot either in their names or in the names of their family members. Third, where the persons have purchased plots from the original allottees (subsequent allottees).

14. So far as the second category is concerned, for what has been discussed above, more than one plot allotted to any person and his family members shall stand cancelled. However, if they want to retain the plots, they can pay the market price of the plots, which shall be determined by the Commission, detail of which is given in the last paragraph of this judgment.

15. So far as first sub-category in the first category i.e. police officers and employees of Foundation who have been allotted only one plot is concerned, we are persuaded to hold that they can keep the plots. Though we have found several illegalities in the process of allotment of plots but in the interest of justice, we are not going to cancel their allotment. There is some justification for allotment of plots to them.

16. So far as second sub-category in the first category i.e. civilians, bureaucrats, army personnels etc is concerned, they were not at all entitled for the allotment of plots. Hence their allotment is cancelled. However, if they want to retain the

plots, they can pay the market price thereof, which shall be determined by the Commission. The other person(s) who had been allotted only one plot and subsequently they have transferred it in the name of their family members also fall in this category.

17. However, so far as the subsequent purchasers / *bona fide* purchasers are concerned, it would be harsh if their plots are cancelled. Many of them have built houses. After a passage of more than 10 years, depriving them of the plots and the houses constructed thereon will be a grave miscarriage of justice. They have acted in good faith and they are lawful owners in possession of the plots and the market value of the property at present has reached a stage mainly on account of the development and construction by them. They have purchased the plots from the original allottees after having undergone a thorough process of due verification and paid the market price prevailing at that time. If the original allottees had not turned up or had not fulfilled their obligations, the *bona fide* purchasers cannot be attributed any mala fide. If at all, any amount is to be paid, that should be paid by the original allottees, who are established to have gained unlawfully or who are the beneficiaries of undue enrichment.

18. Learned counsel for the petitioners in the review petitions as also CMAs filed by Anjum Aqeel Khan and the persons who were allotted more than one plot either in their name or their family members have tried to reargue the case,

which cannot be allowed in review jurisdiction. Same is the case with the petitioners / applicants who were allotted only one plot but without any entitlement i.e. civilians, bureaucrats, army personnels etc. **As such the review petitions as also CMAs filed by Anjum Aqeel Khan and the persons who were allotted more than one plot as also the petitioners / applicants who were allotted only one plot but without any entitlement i.e. civilians, bureaucrats, army personnels etc are dismissed.** However, we have observed that there is strong case of *bona fide* purchasers/subsequent allottees. **Consequently, the review petitions as also CMAs filed by the *bona fide* purchasers/subsequent allottees as also the persons who were allotted only one plot i.e. police officers/officials and employees of Foundation are disposed of.** It is directed that a Commission headed by Mr. Justice Moulvi Anwar-ul-Haq, former Judge of the Lahore High Court, be constituted, which shall determine the cases of subsequent purchasers / *bona fide* purchasers from the original allottees as to how can the market price of the plots be determined and recovery can be made from the original allottee of the difference between the allotment price and the market price of the land. The Commission shall submit its report, for our perusal in Chambers, within a period of two months after the date of formation. The Commission shall also consider the cases of persons who fall in the second sub-category of first category who have been allotted only one plot as to whether they had paid the

market price or not and if not what will be the market price and what will be the mode of recovery. The Commission is further directed to consider the cases of persons who fall in the second category, detail of which has been given in para 14 above, as to what is the market price and how it can be recovered. The fee and other allowances of the Commission shall be determined by the NPF after discussing with the Hon'ble former Judge. The National Police Foundation is directed to provide full assistance/facilities to the Commission either in the shape of provision of office and staff or conveyance facility or in any other form and all the relevant record shall be made available to the Commission. The Commission will settle/propose the terms and steps as to how the judgment of this Court can be complied with.

CHIEF JUSTICE

JUDGE

JUDGE

Islamabad,
Announced on _____
Approved For Reporting
Khurram