

IN THE SUPREME COURT OF PAKISTAN
(ORIGINAL JURISDICTION)

PRESENT:

MR. JUSTICE TASSADUQ HUSSAIN JILLANI, HCJ
MR. JUSTICE SH. AZMAT SAEED
MR. JUSTICE MUSHIR ALAM

S.M.C. NO. 16 OF 2011 ETCETERA

(Suo moto action regarding law and order
situation in Karachi)
(Implementation)

In Attendance: Mr. Abdul Fateh Malik, Advocate General,
Sindh
Mr. Javaid Siddiqui, CEO Razi Sons
Mr. Ahmed Pirzada, ASC, Special Counsel of
BOR
Mr. Aftab Memon, Member BOR
Mr. Agha Jan Akhtar, Chairman, POA
Mr. Zia ud Din Sabir, Director
Establishment Enforcement PIDA
Mr. Shaiq Usmani, Sr. ASC
Malik Israr, Sr. Member, BOR
Mr. Zulfiqar Ali Shah, Member, BOR
(Reforms)
Mr. Arif Aziz, SP
Mr. Mehmood Akhtar Naqvi, in person
Mr. Said Mohal, Conservator Forest
Mr. Attaullah, DFO Hyderabad
Mr. Muhammad Nawaz, D.C. Hyderabad

Date of Hearing: 24.06.2014

ORDER

CMA NO. 206-K OF 2014

Mr. Zulfiqar Ali Shah, Member (Reforms) Board of Revenue and Malik Israr, Senior Member, Board of Revenue have submitted that about 59803 acres and 39 ghuntas is the encroached land which include both institutional and individual encroachments. They further added that an area of 2864 acres has been retrieved and the remaining is still under encroachment. On Court query, Mr. Zulfiqar Ali Shah submitted that the institutional encroachment is 52130 acres and it includes both the Federal and Provincial Institutions. He added that efforts are being made to have the land vacated but it may take a few months. However, on specific query about the timeline they submit that the Board of Revenue would be

able to have the land vacated within a period of six months. They are allowed to do so and this matter shall be taken up after six months.

CMA NO. 257-K/2014

2. Mr. Muhammad Nawaz, Deputy Commissioner, Hyderabad submits that pursuant to the order of this Court a land measuring 1446 acres was retrieved and its possession was handed over to the Forest Department last year (on 4.5.2013).

3. Mr. Muhammad Sadiq Mohal, Conservator Forest, confirms this. However, he adds that they had apprehended that the encroachers might take over the land again and they had requested the DPO to post a picket at the spot to prevent fresh encroachment, which has not been posted. However, he further adds that the Forest Department has prepared a comprehensive plan to plant trees on the entire area and for that PC-I has also been prepared, which has been approved by the Provincial Government and in the current budget funds would be allocated.

4. In view of the above, we are persuaded to direct the Advocate General, Sindh, present in Court to get in touch with the Chief Minister, Sindh, to ensure that the requisite funds are made available to the Forest Department. We also direct the DPO, Hyderabad, to post a picket as requested by the Forest Department to prevent any encroachment. Since both the Deputy Commissioner and the Conservator Forest have submitted that the possession was handed over to the Forest Department on 4.5.2013, we are of the view that any order of status quo would enure to the benefit of Forest Department which had already taken possession on the afore-referred date and the possession continues to be that of the Forest Department.

CMA NO. 3969/2013

5. Pursuant to the order of this Court Mr. Agha Jan Akhtar, Chairman of the Port Qasim Authority has appeared to submit that

the 10 acres of land allotted to the applicant in Eastern Industrial Zone is owned by the Provincial Government of Sindh but it is situated between Port Qasim Authority Establishment and the Pakistan Steel Mills and that there is no road access and other amenities available for proper land utilization. Adds that the PQA has certain issues with the Government of Sindh regarding ownership of land and there is misconception in certain quarters that there was some encroachment by the Authority. Further adds that he had a meeting with the Chief Secretary, Sindh, recently and hopefully all the issues are likely to be settled. So far as the grievance of the applicant is concerned, he added that notwithstanding the fact that the land allotted is owned by the Government of Sindh but in deference to the proceedings of this Court and the fact that the applicant is a potential investor, the Port Qasim Authority shall provide access road to the applicant, of-course on payment of due charges, if possible from the land owned by the Port Qasim Authority and otherwise an alternative solution in this behalf shall be found in conjunction / with consultation with Board of Revenue and Pakistan Steel Mills. The Deputy Commissioner, Malir, having visited the spot confirmed that such an alternate solution could be found and applicant readily agrees. The Deputy Commissioner shall carry out this exercise and complete the same within a fortnight under intimation to the Assistant Registrar (Karachi) of this Court. Adjourned.

CHIEF JUSTICE

JUDGE

JUDGE

Karachi, the
24th of June, 2014
Khurram