

ORDER SHEET.
IN THE ISLAMABAD HIGH COURT, ISLAMABAD.
JUDICIAL DEPARTMENT.

Review Application No.01-2025

Moazam Fareed and another

Versus

Federation of Pakistan and others.

S. No. of order/ proceedings	Date of order/ Proceedings	Order with signature of Judge and that of parties or counsel where necessary.
(01)	28.02.2025	Mr. Tanveer Iqbal, Advocate for the applicants.

MOHSIN AKHTAR KAYANI J. Through the instant application, the applicants sought review of order dated 09.01.2025, passed in W.P No.2236-2024.

2. Learned counsel for the applicants contends that respondent No.7 is a Real Estate Developer, who filed W.P No.2236-2024 with the prayer to issue direction to the CDA and Cantonment Board, Rawalpindi to resolve the question of their overlapping the jurisdiction in the territorial jurisdiction in Sector H-13, based upon the joint proposal prepared by both these departments. He further contends that this Court in the earlier round disposed of W.P No.1249-2021 vide order dated 25.04.2022 with the direction to Secretary, Ministry of Defence, Secretary, Ministry of Law and Justice and Ministry of Interior to submit summaries to Federal Cabinet, who shall decide the same under the law in terms of Constitutional mandate while considering the respective legislations within two months and when the matter was not resolved, W.P

No.2236-2024 was filed. However, Federal Government has constituted the Committee to submit their recommendations and consequently Federal Government on the recommendation given by the Committee after approval of the concerned Departments i.e. CDA and Rawalpindi Cantonment Board, decided the matter on 10.12.2024, which has been produced in the impugned order dated 09.01.2025 and finally this Court has disposed of the matter with the following observation:-

At this stage, the learned counsel for the petitioner contends that the instant matter may be disposed of in light of the aforementioned changes proposed by the Cabinet Division.

In view of the above, all the captioned writ petitions stand disposed of with the observation that the changes referred to above are now considered final regarding the overlapping territorial jurisdiction between the Cantonment Board Rawalpindi and CDA. Accordingly, both parties will exercise and implement their legal authority within their respective territorial limits, without interfering with the jurisdiction of the other department. Similarly, any rights of the parties are subject to the changes notified by the Federal Government.

3. Learned counsel for the applicants further contends that Federal Cabinet has not considered the mandate of constitutional framework as well as Province of West Pakistan (Dissolution) Order, 1970 (P.O No.1 of 1970) promulgated on 30.03.1970, ICT

Presidential Order No.12 of 1971, passed on 22.10.1971, ICT (Administration) (Repeal) Order 1980 (P.O. 17 of 1980) & ICT (Administration) Order 1980 (P.O. 18 of 1980) in its true spirit.

4. Learned counsel for the applicants has been confronted as to whether any observation or any legal question has been settled by this Court, which effect the rights of any party, rather matter has been resolved by Federal Cabinet in their own domain, therefore, any party, who intends to challenge the decision of the Federal Cabinet, they have the right to challenge the legality and vires of the said decision, wherein the proposed changes have been notified in different sectors and areas of ICT as well as Rawalpindi Cantonment Board, whereby learned counsel for the applicants contends applicants are satisfied and the decision of the Federal Cabinet will be challenged independently in the constitutional jurisdiction.

5. Be that as it may, instant review application stands **DISPOSED OF** and applicants are at liberty to challenge the decision of the Federal Cabinet.

(MOHSIN AKHTAR KAYANI)
JUDGE