

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

W.P.No.2528-2016

Ch. Farooq Ahmed Mazhar

Vs.

Capital Development Authority etc.

W.P. No.2529-2016

Muhammad Mumtaz Shaheen

Vs.

Capital Development Authority etc.

W.P. No.2530-2016

Mst. Rizwana Ihsan Chaudhry

Vs.

Capital Development Authority etc.

<b>S. No. of order/ proceedings</b>	<b>Date of order/ Proceedings</b>	<b>Order with signature of Judge and that of parties or counsel where necessary.</b>
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31.01.2023	Mr. Fazalullah Farooq, Advocate for petitioners. Mr. Muhammad Nazir Jawad, Advocate for CDA.
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The instant order shall decide present writ petition as well as W.P. No.2529-2016 & W.P. No.2530-2016, as common facts are involved.

2. The petitioners, in all the three petitions, are residents of Islamabad who are aggrieved of notification dated 13.06.2016, whereby Capital Development Authority has issued a public notice intimating that in the garb of green areas/open plots near their residences by way of beautification and undertaking landscaping, the residents of the referred area are encroaching/possessing the same without permission of CDA. The

impetus provided, for filing of the referred petitions, was not solely the notification mentioned hereinabove but also the fact that CDA decided to auction the various newly created plots in the developed sectors i.e. F-7/1, F-8/1, F-8/3 & F-8/4, Islamabad.

3. At the very outset, learned counsel for the respondents/CDA contended that petitioners have no *locus standi* and the matter already stands decided by the decision of this Court in case titled 'Safdar Zaman & others Vs. Federation of Pakistan etc. (2019 YLR Islamabad 1625), whereby this Court has held that new plots cannot be created and sole exception is 'past and closed transaction'. When confronted, learned counsel for the petitioners contended that property, in question, is a site near the residence of the petitioners, whereby plantation has been made and it was apprehended that since it is adjacent to *nalla*, hence same might be auctioned for residential or any other purpose, which cannot be done.

3. Submissions made by learned counsel for the parties have been heard and the documents, placed on record, examined with their able assistance.

4. The relief sought, in all the writ petitions, is with respect to notification dated 13.06.2016. Subsequently, an application was also made for interim relief by restraining the respondents for auctioning the sites, whereby

new plots have been created in various sectors.

5. As noted above, notification in question is only a public notice, whereby it is clarified that where a resident of locality beautifies or undertakes landscaping on a vacant area belonging to CDA, he neither has any proprietary rights in the same nor possessing rights in the same under the garb of beautification. Even-otherwise, this Court in the afore-noted judgment has already clarified that CDA cannot create new plots and it was specifically submitted by learned counsel for CDA that no new plots are being created nor site in question is the subject matter of auction/sale. The notification only stipulates that beautification or plantation upon the open site does not confer any right and in light of the same, the petitioners have no *locus standi* to challenge it nor any right or interest to assail the notification/notice on any basis.

6. In view of above, no interference is required to be made in the public notice/notification dated 13.06.2016 and as noted in the above referred judgment, CDA is bound by the same in light of the law laid down therein.

7. The instant petitions are disposed of in light of above observations.

**(CHIEF JUSTICE)**

