

10

ISLAMABAD HIGH COURT, ISLAMABD

NO. _____ IHC/Jude. Deptt.

(REVISED FORM OF BLUE SLIP)

Case No. WP. 1777- 2001.

Mohammad Raza etc Vs *Jammu and Kashmir H. Society etc*
Titled

- (a) Judgment approved for reporting Yes / No
- (b) Judgment any comment upon the Conduct of the Judicial Officer for Quality of the impugned judgment is Desired to be made. Yes / No

(In case the answer is the affirmative Separate confidential note may be Sent to the Registrar drawing his Attention to the particular aspect).

[Signature]
Initial of the Judge.

NOTE

1. If the slip is used, the Reader must attach on top of first page of the judgment.
2. Reader may ask the Judge writing the judgment whether the judgment is to be approved for Reporting of any comment is to be made about the Judicial Officer/ quality of judgment.
3. This slip is only to be used when some action is to be taken.

✓

FORM NO.HCJD/C
JUDGMENT SHEET

IN THE ISLAMABAD HIGH COURT, ISLAMABAD

WRIT PETITION NO. 1777 OF 2011

MUHAMMAD RAZA & OTHER

VERSUS

**JAMMU & KASHMIR CO-OPERATIVE
HOUSING SOCIETY, ETC.**

Date of hearing: 24.04.2012

Petitioner By: Qazi Ghulam Dastgir,

Respondents By: Mr. Muhammad Ramzan
Chaudhary, Muhammad Abdur
Rafeh and Tariq Mehmood
Mirza.

JUDGMENT

MUHAMMAD ANWAR KHAN KASI, J. :- The petitioners are the residents of AJK Co-operative Housing Society and have approached this Court in the form of a public interest litigation with the grievance that deviation from the approved layout plan of the society and conversion of open public spaces into residential / commercial plots is absolutely illegal and the negation of their natural rights.

2- It is the case of the petitioners that the respondent-Society had launched a Housing Scheme which was approved by CDA (respondent No.4) and according to its approved layout plan; the respondents 1 & 2 are under legal obligation to provide all the basic amenities and utilities like open spaces, green areas, public parks, graveyards, school / college plots, dispensary and STP etc to all the residents of

2

1

- 2 -

the Housing Scheme. The petitioners have given the following details of the violations of the plan and illegal utilization of plots, reserved for specific public purposes:-

- i. The first area is the one reserved for public parks in G-15/1 which has been converted by the respondent No.1 & 2 into residential plots.
 - ii. The second area relates to Schools / colleges adjacent to the Jamia Mosque G-15 Markaz, which have been specified in the layout plan but these areas / plots have been converted into commercial plots.
 - iii. The third area is reserved for Library in G-15 Markaz which has also been converted into commercial/residential plots.
 - iv. The fourth area is specified in the original layout plan for Health Centre in G-15 Markaz but the respondent No.1 & 2 have converted it into commercial plot.
 - v. The fifth area is reserved for Sewerage Treatment Plan (STP) in G-15/1, but the residents of the society were deprived from this facility by converting the area into residential plots.
- 3- It is also alleged that the open area reserved for graveyard in G-15/4 has also not been demarcated which is creating difficulties for the residents of the society. It is contended that the society has received cost of land alongwith full development charges from its members and, therefore, non-provision of all the amenities is illegal while the violation of CDA Building Bye-laws by erecting five storey buildings have created inconvenience among the general residents of the society.

- 4- Learned counsel for the petitioner relied upon a case law titled as "Residents' Welfare Society, Sector G-13 Islamabad through President Versus. Federal Government

- 3 -

Employees' Housing Foundation through Director General and another" reported in (CLC 2010 1663 Lahore), wherein it was held that the land specified for specified purposes cannot be used for any other purpose to multiply revenue for the Housing Society and open spaces are the common property of the residents and a heritage for the posterity. It was further held that constitutional jurisdiction can be invoked where the authority acts in a manner altogether unwarranted by law and in such cases alternate remedies need not be exhausted before approaching the court under Article 199 of the Constitution.

5- The petition was vehemently contested by the respondents 1 & 2 through written comments whereby maintainability of the petition was challenged on the ground of pendency of a civil suit before the Civil Court on the same cause of action between the same parties. It was further submitted that factual controversies are involved in the petition which cannot be decided under the writ jurisdiction and since there is no violation of the approved plan, writ petition cannot proceed further and the petitioners are liable to be proceeded u/s 476 read with Section 195(b) Cr.PC for submitting false evidence.

6- On merits, it is submitted that every action has been taken according to approved layout plan and not a signal plot has been converted into commercial or allotted to any other member.

- 4 -

7- On the other hand, the CDA i.e respondent No.4, through report and parawise comments dated 07.09.2011 admitted that some changes have been made by the society at some points and the open space/public parks have been changed with residential plots while size of school plot has been reduced and replaced with commercial plots.

8- It was also admitted that the areas reserved for Library and Health Centre in the approved plan have been changed with commercial plots and the Sanitary Treatment Plant (STP) has been shifted to some other site replacing the approved site with residential plots.

9- It is verified by the CDA that 56 kanal land, allocated for graveyard in approved layout plan of the scheme, has not been demarcated/developed at site and graveyard is readily not available for the residents of the society while the development period of the scheme is valid up to 13.05.2011. The respondent CDA, however, mentioned that the society has submitted the revised layout plan incorporating the abovementioned changes which is under process in CDA and observations were conveyed to the society vide letter dated 17.03.2011.

10- The respondent No.4 in the same report also stated that on the complaint of some residents, the issues were conveyed and discussed with the society in a meeting in CDA on 05.05.2011 and the society had committed to redress grievances of the complainants. According to parawise comments of CDA, the society was again advised on

2
-

- 5 -

29.06.2011 to redress the grievance of the complainant and submit compliance report to CDA but said report is still awaited. In Para 10 of parawise comments, it is verified by CDA that Society had made deviations from the approved layout plan, however, revised layout plan of Scheme, incorporating the said changes, has been submitted by Society which is under process.

11- The CDA also verified that land used, prior to approval of the authority, is illegal. The respondent CDA also placed on record a copy of letter dated 29.06.2011 written by the Director Housing Society to the respondent Society whereby following issues were conveyed to the Society with the direction to submit compliance report within 15 days;

- a. *Non-availability of graveyard*
- b. *Non-construction of Sewerage Treatment Plant(STPA)*
- c. *Construction of Ground+5 Storey Commercial Plazas in G/15 Markaz*
- d. *Creation of Commercial Plots in school site in G-15 Markaz*
- e. *Conversion of Amenities Plots like Health Centre, Post Office, Telephone and Telegraph, Guest House in G-15 Markaz, into Commercial.*

Astonishingly CDA took a summersault by submitting additional reply on 29.02.2012 through which it was prayed that writ petition may be dismissed. The reply is reproduced as below;

"The respondent No.4, CDA under the direction of this Honorable Court has reviewed Jammu & Kashmir Co-operative Housing Scheme in

- 6 -

Sector G-15/F-15, Zone-II, Islamabad and to submit
that:-

Layout plan of the housing scheme named "Khayban-e-Kashmir-I" over an area measuring 3482.62 kanals was approved by CDA vide letter No.CDA/PLW-UP-(90)/JKCHS/93/1284 dated 25.04.2002 (Annex-I) and NOC was issued vide letter No.CDA-LD-UP- (90) / JKCHS /93 / 3847 dated 13.05.2004 (Annex-II) M/s Jammu & Kashmir Cooperative Housing Society submitted another scheme over an area measuring 991.86 Kanals which has been approved in principally vide letter No.CDA-PLD-HS(90)/JKCHS/Phase-II/2012/252 dated 09.03.2011 (Annex-III). The two schemes are adjacent and share the public amenities.

The land use plans have been approved in accordance with the Planning standards provided for Residential, Educational, Open spaces & Amenity plots etc.

Under the circumstances, it is most respectively prayed that the Writ Petition may kindly be dismissed".

- 12- According to additional reply, which was not asked for, it is stated by Mr. Ashiq Ali Ghori, Director (Housing Societies) Planning Wing, CDA that CDA under the direction of this Court reviewed Jammu & Kashmir Cooperative Housing Scheme". However, no such direction of this court is available on record and Mr. Aashiq Ali Ghori, Director (Housing Societies) seems to have given a wrong statement to mislead the court which amounts to contempt of court and he is directed to be careful in future regarding statements in the courts.
- D

- 7 -

13- Heard and record perused.

14- It is admitted by the respondent CDA that the society has made changes without approval of the CDA and till the expiry of Scheme development period i.e 13.05.2011, the graveyard was not developed /provided and STP was shifted in violation of approved plan. The meeting of CDA with the respondent society and issuance of letters for redressal of grievances is sufficient to establish that violations to approved layout plan were committed. As far as additional reply of the CDA is concerned, it is shocking that the said reply is a sheer attempt to mislead and misguide the court because it states nothing about the revised layout plan of the existing scheme and only states that the Jammu & Kashmir Cooperative Housing Society submitted another Scheme over an area measuring 991.86-Kanal which has been approved in principle.

15- The reply clarifies the position that the layout plan is regarding a new scheme which has got nothing to do with the previous layout plan of the approved scheme over an area 3482.62-Kanal regarding which it had been admitted by CDA that deviations and violations were made and it was also verified that graveyard over an area of 56-Kanal has not yet been demarcated/developed.

16- Record and report of CDA verify the facts that the respondent-Society within the prescribed period i.e. up to 13-05-2011 had not completed/developed the Scheme and had made changes and also converted open parks into plots and reduced the size of school plot without any prior

2

- 8 -

approval of the Society. As far as revised approved layout plan is concerned, it has got nothing to do with the present scheme because it is about another scheme over an area measuring 991.86-Kanal which was approved by CDA vide Letter No. CDA-PLW-HS (90)/JKCHS-Phase-II/2010/252, dated 9-3-2011.

17- The CDA, under the Rules, was under obligation to take an action against the defaulter Society for not completing/developing the scheme within time and for violation of the approved plans. There is no cavil to the proposition that land specified for a particular purpose cannot be used for any other purpose.

18- The Chairman, CDA is, therefore, directed to initiate legal actions against the Societies for completing/developing the schemes within time. The Chairman would also take actions against the Director, Housing Societies sand other concerned staff for not taking action against the defaulter society. Record also reflects that complaints of aggrieved persons are not properly dealt with and after issuance of letters to the Societies; no follow-up is taken by the concerned staff. The Chairman CDA should evolve a policy where the genuine complaints of the people are properly dealt with and be followed till some positive results because the state functionaries are under obligation to listen to the complaints regarding their functions and to resolve them in accordance with law.

1

100

- 9 -

19- As far as objection regarding the pendency of civil suit is concerned, the same loses force in the present situation because where there is a clear violation of rules and where authority acts in a manner altogether unwarranted by law, the remedies provided under the law need not be exhausted before having recourse to the constitutional jurisdiction of this Court. It is also obvious that housing schemes are announced and people are attracted in the name of facilities and utility areas i.e. Parks, open spaces and topography etc and, therefore, the residents cannot be deprived of these facilities by the societies due to greed for money.

20- In view of above discussion, the petition is allowed and the respondents are directed to act strictly in accordance with approved layout plan dated 25-4-2002 of the Jammu & Kashmir Housing Society. The respondent No.2 CDA shall ensure the development of Housing Scheme in accordance with said approved layout plan and any violation shall be dealt with under the CDA rules by the respondent CDA. No orders as to costs.


(MUHAMMAD ANWAR KHAN KASI)
JUDGE

Announced in Open Court, on the day of 28th May, 2012.


JUDGE

Mirza Aamer Baig.

Approved for Reporting

ORDER SHEET
IN THE ISLAMABAD HIGH COURT, ISLAMABAD
JUDICIAL DEPARTMENT

WP No. 1777 of 2011,

Muhammad Raza

Versus

Jammu & Kashmir Co-operative Housing Society Etc:

S. No. of order proceedings	Date of order/ proceedings	Order with signature of Judge and that of parties or counsel where necessary.
-----------------------------	----------------------------	---

19-04-2012: Qazi Ghulam Dastgir, Advocate for petitioner,
Mr. Tariq Mehmood Mirza, and Hafiz Muhammad
Abdur Rafay, Advocate for respondents,
Mr. Muhammad Ramzan Chaudhry, Legal Advisor
and Ch. Haseeb Ahmad, Addl. Legal Advisor for
respondent CDA:

Learned counsel for the petitioner prays for
an adjournment for preparing his brief in the light
of recent developments respecting controversy
contained in the lis.

Re-list on 24-4-2012.


(MUHAMMAD ANWAR KHAN KASI)
JUDGE

M.Suhail

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

Writ Petition No. 1777 of 2011,

Muhammad Raza

Versus

Jammu & Kashmir Co-operative Housing Society Etc:

S. No. of order proceedings	Date of order/ proceedings	Order with signature of Judge and that of parties or counsel where necessary.
-----------------------------------	----------------------------------	--

01-03-2012: Qazi Ghulam Dastgir, Advocate for the petitioner,
Mr. Tariq Mehmood Mirza, Advocate for
respondent-Society.

The lawyers are observing strike whereas
learned counsel for respondent-Society seeks a time
to procure the comments submitted by CDA and to
go through the same.

Re-list.


(MUHAMMAD ANWAR KHAN KASI)
JUDGE

M.Suhail

Form No HCJD/C-121
ORDER SHEET

ISLAMABAD HIGH COURT
ISLAMABAD

W.P. No 1777 of 2011

Muhammad Raza

Versus

Jammu & Kashmir Co-operative Housing Society, etc

S. No of order / Proceeding	Date of order/ proceeding	Order with signature of Judge, and that of parties or counsel, where necessary.
-----------------------------	---------------------------	---

06. 24-01-2012. Qazi Ghulam Dastagir, advocate for the petitioner.
Mr Muhammad Ramzan Chaudhry, Legal Advisor & Mr Haseeb Muhammad Chaudhry, A.L.A. for the respondent No 4 / C.D.A.

Due to personal reasons, I do not want to hear this case. Let this case be placed before the Hon'ble Chief Justice of this Court for appropriate orders.

Alma

(RIAZ AHMAD KHAN)
JUDGE

Asad K*

14/0

Form No HCJD/C-121
ORDER SHEET

ISLAMABAD HIGH COURT
ISLAMABAD

W.P. No 1777 of 2011

Muhammad Raza

Versus

Jammu & Kashmir Co-operative Housing Society, etc

S. No of order / Proceeding	Date of order/ proceeding	Order with signature of Judge, and that of parties or counsel, where necessary.
-----------------------------	---------------------------	---

5. 17-01-2012. Qazi Ghulam Dastagir, advocate for the petitioner.
Mr Tariq Mehmood Mirza, advocate / Legal Advisor of society / respondents No 1 & 2.

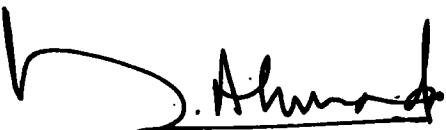
Legal Advisor for respondents No 1 & 2 submits that the counsel for society is busy before the Hon'ble Lahore High Court, Rawalpindi Bench, Rawalpindi. No one is available on behalf of the C.D.A. Learned Legal Advisor for the society has submitted that subsequently lay out plan has been approved while according to learned counsel for the petitioner, no such approval has been granted to the subsequent plan.

2. In the circumstances, let notice be issued to the Chairman, C.D.A. to either

15^o

appear in person or send an authorized
person to assist this Court in the matter.

3. The case is adjourned to next week.



(RIAZ AHMAD KHAN)
JUDGE

Asad K/*

ORDER SHEET.

IN THE ISLAMABAD HIGH COURT, ISLAMABAD.
JUDICIAL DEPARTMENT.

W.P. No. 1777 of 2011.

Muhammad Raza
Vs.
Jammu & Kashmir Co-operative Housing Society, etc.

S. No. of order/ proceedings	Date of order/ proceedings	Order with signature of Judge and that of parties or counsel where necessary.
---------------------------------	-------------------------------	--

- 04) 21-12-2011.** Qazi Ghulam Dastagir Advocate, for the petitioners.
Hafiz Muhammad Abdur Rafay and Mr. Tariq Mahmood Mirza Advocates, for respondents No. 1 & 2.
Mr. Muhammad Ramzan Chaudhry and Ch. Habib Muhammad Advocates, for CDA.
Mr. Abdul Haq, Deputy Director CDA.

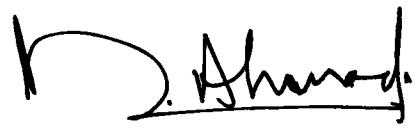
Arguments were addressed at some length. The CDA in comments have stated that the Society has made changes in the approved Layout Plan; the Open Space/Public Parks have been changed with Residential Plots; the size of School Plot has been reduced and replaced with Commercial Plots; the area reserved for Library and Health Centre in the approved Layout Plan has been changed with Commercial Plots; the construction of Sewerage Treatment Plant (STP) has also been shifted to some other site replacing the approved site with Residential Plots; the area measuring 56-Kanals, reserved

for Graveyard has not been demarcated up till now. However, for the above said changes, the Society has submitted Revised Site Plan. According to the learned counsel for CDA, the said Revised Site Plan has now been approved. The said contention has been resisted by learned counsel for the petitioner, as according to him 'illegality' can not be converted into 'legal acts' by according approvals.

2. On, this learned counsel for CDA has requested for time to produce the 'Yardstick' for Societies and Schemes. The learned counsel has further given undertaking that CDA would not be a party to any of the 'illegalities' and if there is any, the same would be rectified. However, time has been sought for the reason that the CDA wants to produce the 'Yardstick', under consideration before the Hon'ble Supreme Court of Pakistan.

3. Accordingly, the case is adjourned, to a date, to be fixed soon after the Winter Vacation.

4. 'Interim Relief' already granted shall continue till the next date of hearing.



(RIAZ AHMAD KHAN)
JUDGE

18^o

Form No.HCJD/C-121
ORDER SHEET

ISLAMABAD HIGH COURT
ISLAMABAD

W.P. No. 1777 of 2011

Muhammad Raza etc
Versus
Jammu & Kashmir Co-operative Housing Society etc

S.No. of order / Proceeding	Date of order/ proceeding	Order with signature of Judge, and that of parties or counsel, where necessary.
-----------------------------	---------------------------	---

- 3. 27-10-2011. Qazi Ghulam Dastgir, advocate for the petitioners.**

Today, C.M. No.2591 of 2011 is fixed which is for grant of stay order. Learned counsel for the petitioners requests that main writ petition may also be taken up today, because the same has not yet been admitted for regular hearing.

- 2. In the circumstances, the main writ petition is also taken up today.**

Main Writ Petition.

Learned counsel for the petitioners inter alia contends that the present writ petition is based on public interest litigation. The grievance of the petitioners is that the respondents / society had prepared a lay out plan and the same has been changed. By virtue of the change, the public open spaces have been converted into residential & commercial plots and are being sold out. In this respect, comments of the respondents have been called for. Respondent No.4 has filed his comments.

2. In the circumstances, writ petition is admitted for regular hearing.

3. Notice be issued to the respondents for any date in the 3rd week of December, 2011.

C.M. No.2591 of 2011.

Notice for the said date. In the meanwhile status quo shall be maintained till date fixed.


(RIAZ AHMAD KHAN)
JUDGE

Asad K*

20/0

Form No.HCJD/C-12/
ORDER SHEET

ISLAMABAD HIGH COURT
ISLAMABAD

W.P. No. 1777 of 2011

Muhammad Raza etc
Versus
Jammu & Kashmir Co-operative Housing Society etc

S.No. of order / Proceeding	Date of order/ proceeding	Order with signature of Judge, and that of parties or counsel, where necessary.
-----------------------------	---------------------------	---

2. 27-06-2011.

Qazi Ghulam Dastgir, learned counsel for the applicants.

C.M. No.1794 of 2011.

Notice.



(RIAZ AHMAD KHAN)
JUDGE

*Asad K**

21^o

ORDER SHEET
ISLAMABAD HIGH COURT
ISLAMABAD

Writ petition No. 1777 of 2011.

Muhammad Raza, etc.

Versus

Jammu & Kashmir Co-operative Housing Society, etc.

S.No. of order / Proceeding	Date of order/ proceeding	Order with signature of Judge, and that of parties or counsel, where necessary.
-----------------------------	---------------------------	---

03-06-2011. Qazi Ghulam Dastagir, learned counsel for the petitioner.

Call for the comments of respondents, so as to reach this Court within a fortnight.

C.M No. 01/2011

Notice.

C.M No. 02-E-2011.

Dispensation sought for is allowed subject to all just and legal exceptions.



(RIAZ AHMAD KHAN)
JUDGE

Saeed*

22^o

IN THE ISLAMABAD HIGH COURT, ISLAMABAD.

Ap
the
be
on
An
the
rec
pres

To be Heard on 3-6-11
Mr Justice Riaz Ahmed / Chn

Deputy Registrar

To,

THE DEPUTY REGISTRAR,
ISLAMABAD HIGH COURT,
ISLAMABAD.

Title Case

W.P. 1777-11
CM C1-11
WY 02/E/11

Muhammad Raza etc Petitioner

VERSUS

Jkcts having Socy Appellant

Sabir Pakistan
against Voltaire of
Layout Plot and
COA Ayub
Respondents

Jammu & Kashmir etc

Sir,

Will you kindly treat the accompanying petition as an urgent one in accordance with the provision of Rule 9, Chapter 3-A, Rule and Orders of the High Court Volume V.

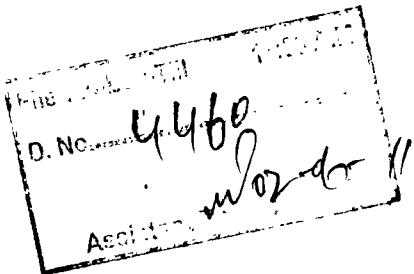
The Grounds of Urgency are:-

Similar. W.P.-1820-07 is
Pending chief Justice Islamabad High
Court

Stay Mates Kindly fixed

for 3-6-11

Your Obediently Servant



Razi. Chuban Dastgir
Advocate High court

19301

✓ ✓

IN THE ISLAMABAD HIGH COURT ISLAMABAD

1. Muhammad Raza s/o Piao Khan Resident of House No. 168, Street 7, Sector G-15/2, Islamabad.
2. Muhammad Iqbal son of Ghulam Rasool Resident of House No. 220, Street 10 Sector G-15/2, Islamabad.

(Petitioners)

VS

1. Jammu & Kashmir Co-operative Housing Society (JKCHS) Community Centre Building, Sector G-15, Main G.T Road. Islamabad through its Chairman.
2. General Secretary, Jammu & Kashmir Co-operative Housing Society (JKCHS) Community Centre Building, Sector G-15, Main G.T Road. Islamabad.
3. Deputy Commissioner/Registrar of Co-operative Department, ICT Islamabad.
4. Capital Development Authority through its Chairman, CDA Head Quarters, G-7, Islamabad.

(Respondents)

**WRIT PETITION UNDER ARTICLE 199 OF THE
CONSTITUTION OF ISLAMIC REPUBLIC OF PAKISTAN**

INDEX

S. No	Description of Documents	Annex	Pages
1.	Writ Petition along with Affidavit		1-6
2.	Copy of the Approved Lay out Plan	A	7-8
3.	Copy of writ petition no.2150/2010	B	9-13
4.	Copies of cutting from Daily Jinnah dated 25, 26 and 27.05.2011	C	14-16
5.	Copies of letter of a society member dated 24.03.2011 & its reply by Director Housing Societies dated 13.04.2011	D	17-21
6.	copy of notice published by respondent no. 4 in news paper dated 02.05.2011	E	22
7.	Application for Interim Relief with Affidavit		23-24
8.	Application for exemption from filing of certified copies with Affidavit		25-26

Dated: _____ Power of Attorney

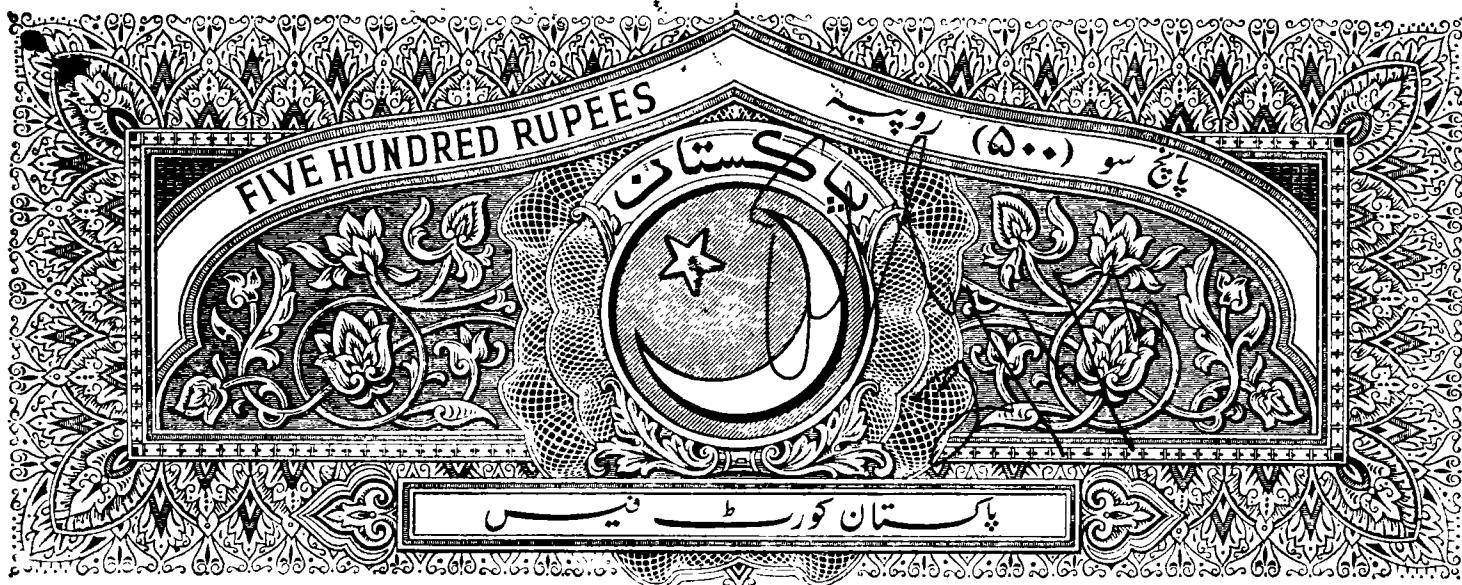
27

Petitioner

Through
(Qazi Ghulam Dastgir)
Advocate High Court
Office no. 1 Justice Iftikhar M Ch Block
F-8 Markaz, Islamabad
Cc. no. 19301

PAKISTAN COURT FEE

500RS.



1. Muhammad Raza s/o Piao Khan Resident of H-168, St. 7
Sector G-15/2, Islamabad W/1777/11
2. Muhammad Iqbal s/o Ghulam Rasool resident of H-220
St. 10, Sector G-15/2, Islamabad .

VS

Jammu & Kashmir Co-operative Housing Society (JKCHS)
Community centre Building, Sector G-15 Main G.T.
Road, Islamabad & 3 others

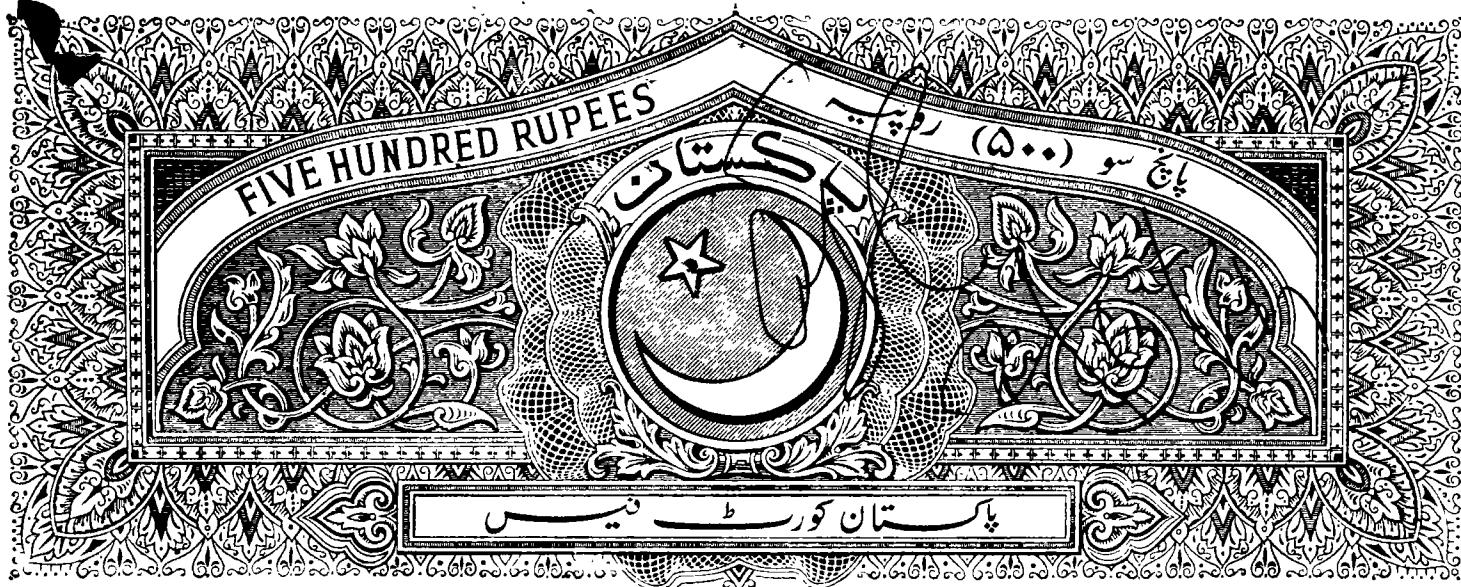
Writ Petition under Article 199 of The
Constitution of Islamic Republic of Pakistan

4469
m/s-6-11

٣٢٥
جعفر بن معاذ بن خالد بن سعيد
جعفر بن معاذ بن خالد بن سعيد

PAKISTAN COURT FEE

26-a
500RS.



11/1777-4

10/113

2 : ?

60/-

Darbar Akhlaq Dastgir
Advocate

Mughal - court

11/168
11/02-05-11

کے ساریں اپنے 27^o میں ہوئے گئے 3053
9.6.19

28
1

IN THE ISLAMABAD HIGH COURT ISLAMABAD

W.P. 1777-11

1. Muhammad Raza s/o Piao Khan Resident of House No. 168, Street 7, Sector G-15/2, Islamabad.
2. Muhammad Iqbal son of Ghulam Rasool Resident of House No. 220, Street 10 Sector G-15/2, Islamabad.

(Petitioners)

VS

1. Jammu & Kashmir Co-operative Housing Society (JKCHS) Community Centre Building, Sector G-15, Main G.T Road. Islamabad through its Chairman.
2. General Secretary, Jammu & Kashmir Co-operative Housing Society (JKCHS) Community Centre Building, Sector G-15, Main G.T Road. Islamabad.
3. Deputy Commissioner/Registrar of Co-operative Department, ICT Islamabad.
4. Capital Development Authority through its Chairman, CDA Head Quarters, G-7, Islamabad.

(Respondents)

**WRIT PETITION UNDER ARTICLE 199 OF THE
CONSTITUTION OF ISLAMIC REPUBLIC OF PAKISTAN**

Respectfully sheweth,

1. That the addresses of the parties have been correctly mentioned in the memo of the petition and are sufficient for the purpose of the service of notices.
2. That the Jammu & Kashmir Co-operative Housing Society (JKCHS) G-15 Markaz, Civic Centre, Islamabad, herein after called respondent society, is an autonomous body governed by an elected body headed by respondent no.1, under the supervision and control of respondent no.3, was launched in February, 1993.
3. That the respondent no.4 is a Statutory Organization established under the authority of Capital Development Authority Ordinance, 1960 with the object to create a new city where all the basic amenities and utilities would be provided to every citizen without any discrimination. For this particular purpose the relevant rules and regulations were also framed and promulgated under the law.
4. That the respondent Society housing scheme was approved by respondent no.4, CDA, in Sector G-15, F-15 and F-16 Islamabad in order to provide all the basic amenities and utilities like open spaces, green areas, public parks, graveyards, school/college plots, dispensary & STP etc to all the residents of the above stated Sectors. But the approved layout plan after laps of many years has neither implemented by the

respondent no.1 & 2 nor by the respondent no.4 in its true spirit. (**Copy of the Approved Lay out Plan is attached as Annex A.**)

5. That in the approved layout plan some areas were reserved for specific public purposes for open spaces but the respondent no.1 to 3 have converted this specified area in to residential and commercial plots which is illegal because any public utility cannot be converted into commercial or residential area. The open spaces are the common property of the inhabitants of the locality and also the heritage of the generations to come. There are about **five** areas reserved for specific public purposes which have been converted for being used for altogether different purposes:
 - i. The first area is the one reserved for public parks in G-15/1 which has been converted by the respondent no.1 & 2 into residential plots.
 - ii. The second area relates to Schools/colleges adjacent to the Jamia Mosque G-15 Markaz, which have been specified in the layout plan but these areas/plots have been converted in to commercial plots.
 - iii. The third area is reserved for Library in G-15 Markaz which has also been converted in to commercial/residential plots.
 - iv. The fourth area is specified in the original layout plan for Health Centre in G-15 Markaz but the respondent no.1 & 2 have converted it into commercial plot.
 - v. The fifth area is reserved for Sewerage Treatment Plant (STP) in G-15/1, but the residents of the society were deprived from this facility by converting the area in to residential plots.



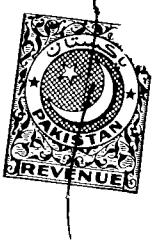
These acts of the respondents are absolutely unlawful, illegal and unethical as these open spaces are public property and can not be converted into residential/commercial plots because it is violation of CDA Rules. (Rule 2.36 of CDA Residential Sectors Zoning (Building Control) Regulation 1993). On the same issue the Lahore High Court Rawalpindi Bench Rawalpindi in W.P.No.2150 of 2010, a reported judgment, while accepting the writ petition of the petitioner, restrained the respondents perpetually from converting the public property/open areas into residential and commercial places. (**Copy of judgment in Writ Petition No.2150/2010 is attached as Annex B.**)

6. That according to the original layout plan, in these open areas some area was reserved for graveyard in G-15/4 for the residents of the society but the defendants no.1 to 3 have not even demarcated the area for graveyard and round about 300 families are living since many years without having a graveyard which has been creating great difficulties for the bereaved families. Repeated request and reminders were given to all the respondents, for providing them a separate graveyard but so far no demarcation of Graveyard has yet been made by the administration of the Society and in the result in the recent past there were numerous death occurred in G-15 and eventually the concerned families experienced hardship due to non availability of Graveyard with related facilities.
7. That the respondent Society has allotted plots, after land cost and full development charges, to its members in its different sectors e.g G-15/4, F-15 extension, F-16, Zone 5 housing scheme but the land for the said plots has not been acquired by the respondent Society.

8. That by violating the CDA Building Byelaws, five stories buildings have been built by many peoples malafidely with the help and connivance of Society Administration and Builders but the respondent no.4, CDA, remained silent and has taken yet no action against the violators of CDA building byelaws. These complaints of the residents of the society and independent survey of the media have also been published from time to time in different newspapers. (**Copies of cutting from Daily Jinnah dated 25, 26 and 27.05.2011 regarding the complaints of conversion of specified plots is attached as Annex C**)
9. That in this connection a letter was written by a resident of the society namely Air Commodore (Retd) Akhtar Nawaz Khan, to the Chairman CDA, respondent no.4, regarding violation of CDA laws, rules and approved layout plan. In reply to this letter, an explanation was called by Director Housing Society, CDA, from respondent no.2 with in 20 days of the letter but despite laps of two months no explanation has yet been provided. Further in this connection on 20th April, 2011 an inspection team of CDA visited the spot and they were shown each and every violation of CDA building byelaws committed by those who have built five stories buildings on the spot but astonishingly neither CDA nor the respondent Society have given/published the report nor taken any action against the violators due to malafide intention of both the respondents. On 30th April, 2011 some residential members of the Society conducted a meeting with the CDA Chairman, respondent no.4, for taking strict actions against those violators of CDA building byelaws and he promised for that but in fact he did nothing and just publish a notice, to fill the lacuna, in daily newspaper dated 02/05/2011 to all the CDA approved private housing schemes. (**Copies of letter of a society member dated 24.03.2011 & its reply by Director Housing Societies dated 13.04.2011 and copy of notice published by respondent no.4 in news paper dated 02.05.2011 is attached as Annex D & E**)
10. That the said act of the respondents of deviation from approved layout plan, constructing of five stories plazas and buildings, conversion of public open spaces, parks, graveyards etc is totally illegal, misuse of powers and breach of trust hence this writ petition inter alia on the following among other grounds

GROUND

- a) That the deviations from the approved lay out plan approved by the CDA respondent no. 4 Islamabad and conversion of public open spaces into residential/commercial plots is totally unlawful as these are public property and can not be converted into residential/commercial plots. (Rule 2.36 of CDA Residential Sectors Zoning (Building Control) Regulation 1993)
- b) That the encroachments or conversion of public spaces of the respondent Society with out the approval of the respondent no. 3 & 4 is a clear cut violation of the approved layout plan of the housing scheme.
- c) That depriving the residents of the respondents society from graveyard is illegal and unlawful as they have paid the

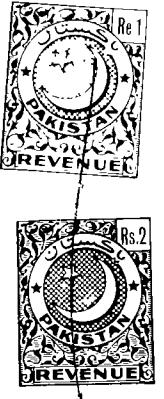


developmental charges hence this act of respondents is the negation of their natural rights.

- d) That there was already shortage of green areas, public open places and parks etc in the housing scheme in the respondent society as required by the CDA bye laws and their approved plan therefore the conversion is illegal.
- e) That construction of five and more than five stories buildings in G-15 Markaz is bare violation of CDA Building Byelaws.
- f) That, depriving the allottees of Sector G-15/4, F-15 extension, F-16, Zone 5 housing scheme from giving the possession of plots after full payment of all dues and charges is illegal as the land may not have been acquired by the respondent society.
- g) That there is no other alternate and efficacious remedy except to invoke the Constitutional Jurisdiction of this Hon'ble Court.

PRAYER

In these circumstances it is humbly prayed:

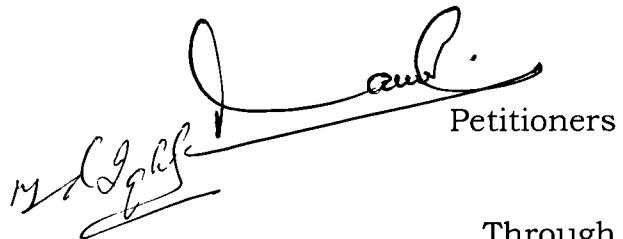
- 
- i. That the respondent no.1 & 2 may be restrained by this Hon'ble Court from deviation of approved layout plan and the respondent no.4 be directed for the restoration of original layout plan already approved by them.
 - ii. That the respondent no.1 & 2 may be directed to abstain from making such encroachments/allotments in green and open areas or in parks or in any other public places by converting its use other than specified in the first approved plan of their housing scheme.
 - iii. That the respondent no.4 CDA, be directed to implement its approved plan of Jammu Kashmir Housing Society in G-15 and its other Sectors in Islamabad in true letter and spirit and check and control all the violations including the impugned construction of five stories building in G-15 Markaz.
 - iv. That the respondent no.1 & 2 may be directed to allocate, demarcate and construct the graveyard in G-15 and other Sectors.
 - v. That the respondent no. 3 & 4 be directed to perform their functions in connection with the affairs of the Capital Territory justly, fairly and legally. The remaining respondents be also refrained from doing any thing that they are not permitted by law to do and be directed to act as they are required by law to do.
 - vi. That all the steps yet taken by the respondent no.1 to 3 for the conversion of the open spaces in to residential/commercial plots and deviation from the

(5)

32

original layout plan, be declared by this Hon, able Court as illegal, null and void, without authority and against the CDA Rules. Further direction may please be issued for perpetual restraining the responding no.1 to 3 from conversion of the public open spaces into residential and commercial plots.

Any identical relief pendente lite due to the petitioner ex-debito justitiae be graciously granted.

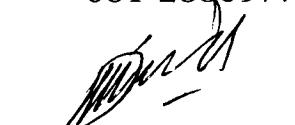


Petitioners

Through



Qazi Ghulam Dastgir
Advocate High Court
Office No. 1 Justice Iftikhar M Ch
Block F-8 Markaz, Islamabad.
051-2850977



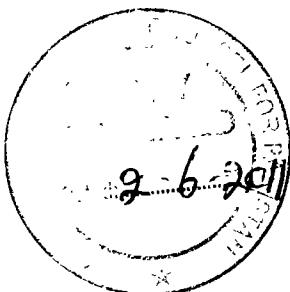
Rashid Ali Khan
Advocate High Court



CERTIFICATE

This is to certify that no other writ petition has been filed in this Hon, able Court on this subject.

It is further certified that this petition has arisen from violation/non fulfillment of obligation under the law.



IN THE ISLAMABAD HIGH COURT ISLAMABAD

NY 1777-11

1. Muhammad Raza s/o Piao Khan Resident of House No. 168, Street 7, Sector G-15/2, Islamabad.
2. Muhammad Iqbal son of Ghulam Rasool Resident of House No. 220, Street 10 Sector G-15/2, Islamabad.

(Petitioners)

VS

Jammu & Kashmir Co-operative Housing Society (JKCHS) Community Centre Building, Sector G-15, Main G.T Road. Islamabad through its Chairman & 3 others

(Respondents)

**WRIT PETITION UNDER ARTICLE 199 OF THE CONSTITUTION OF ISLAMIC
REPUBLIC OF PAKISTAN**



Affidavit



I, Muhammad Raza s/o Piao Khan Resident of House No. 168, Street 7, Sector G-15/2, Islamabad, do hereby solemnly affirm and declare as under:

That content of the annexed Writ Petition are true and correct to the best of my knowledge and belief and nothing material has been concealed or withheld.

Aero

DEPONENT

Verified on oath at Islamabad on this 01 day of June, 2011 that contents of the above affidavit are true and correct to the best of my knowledge and belief and nothing material has been concealed or withheld.

[Signature]
DEPONENT

~~DEPONENT~~

This 10th day of June 1861, has been sworn to before me, John C. Fremont, Major General in the Regular Army, and Adjutant General of the State Militia, at the City of Sacramento, State of California, by the following named persons, who have come into my presence, and I have examined them, and they have manifested to me a desire to become volunteers in the service of the United States, and I have accordingly enlisted them.

34-
9

IN THE LAHORE HIGH COURT PAWALPINDI BENCH, RAWA, PINDI.

W.P.NO 2150/10

KREIDENT'S WELFARE SOCIETY SECTOR G-13, ISLAMABAD THROUGH ITS
PRESIDENT MUHAMMAD ASLAM KHOKHAR S/O MIAN LASHKAR,
OFFICE NO.14, MEZZANINE FLOOR, BEVERLY CENTRE, JINNAH AVENUE,
BLUE AREA, ISLAMABAD.

For Private Use

VERSUS

PETITIONER
10/11/10

1. FEDERAL GOVERNMENT EMPLOYEES HOUSING FOUNDATION
THROUGH ITS DIRECTOR GENERAL, PLOT NO. 10, MAHMOUD ARAB G-
10/4, ISLAMABAD.
2. CAPITAL DEVELOPMENT AUTHORITY THROUGH ITS CHAIRMAN,
CDA HEADQUARTERS, G-7, ISLAMABAD.

RESPONDENTS

WRIT PETITION UNDER ARTICLE 199 OF THE CONSTITUTION OF
ISLAMIC REPUBLIC OF PAKISTAN 1973.

Respectfully Sheweth:

brief facts giving rise to the instant petition are as under:

1. That the addresses of the parties have been correctly mentioned in the memo of the petition and are sufficient for the purposes of the service of process.
2. That the petitioner is a registered welfare society of the inhabitants of the sector G-13, Islamabad with the registrar of the Chief Commissioner Islamabad. The registration certificate issued by the Registration Authority, Voluntary Social Welfare Agencies, Islamabad is hereby enclosed as Annexure-A).
3. That the respondent No.1 is the Company Limited by Guarantee and is registered with the SECP. The entire share holding vests in the Federal Government. The respondent no.1 was established with the objectives of formulating programs, projects and their launching, sponsoring and implementing regarding provision of shelter to the Federal Government Employees in all major cities of Pakistan. The Foundation launched its scheme in the Sector G-13, Islamabad and allotted the plots through bidding to the Federal Government Employees.
4. That the respondent No.2 is a Statutory Organization established under the authority of Capital Development Authority Ordinance 1960 with the object to erect a new city where all the basic amenities and utilities would be provided to every citizen without any discrimination. For this particular purpose the relevant rules and regulations were also framed and promulgated under the law.
5. That it would be pertinent to mention here that whenever there is need of establishment of a new sector to meet the residential requirements of the Federal Government Employees, the Federal Government always acquire the land through the Land Acquisition Collector Islamabad and hand over its possession to the concerned organization for its development and subsequent transfer to the allottees through CDA for construction in accordance with the CDA By-laws.

ORDER SHEET.IN THE LAHORE HIGH COURT, RAWALPINDI BENCH
JUDICIAL DEPARTMENTResidents Welfare Society. W.P.No.2150 of 2010
Islamabad

Case No:

Federal Government
Employees Housing
Foundation and other

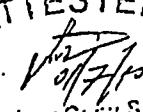
Versus

S. No. of order/ Proceeding	Date of order/ Proceeding	Order with signatures of Judge, and that of parties or counsel, where necessary.
--------------------------------	------------------------------	---

- 21.06.2010 Mr. Shahid Mehmood Khokhar, Advocate for the petitioner.
 Mr. Niaz Ahmad Rathor, Advocate for respondent No.1.
 Malik Zafar Abbas, Director/Law Officer on behalf of respondent No.1.
 Qaisar Abbas, Director (Tench) FGEHF.

It is contended by learned counsel for the petitioner that the petitioner is a registered welfare society of the inhabitants of the area; and that the respondents have deviated from the original plan and converted public utility areas into commercial and residential plots. The point raised needs consideration.

2. This case is admitted to regular hearing.
3. As a short matter is involved in the instant case; the parawise comments have already been submitted by respondent No.1; the respondent side is ready to argue the case, with the concurrence of the parties let this case be heard and decided today.
4. Learned counsel for the petitioner in Para-11 of his petition has pointed out that five areas reserved for specific public purposes have been converted for being used for altogether different purposes. The first area is the one

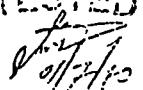
ATTESTED

 Examiner Copy Supply
 Section Lahore High Court
 Rawalpindi Bench

6
11

reserved for the Hill Park. In the written reply submitted by respondent No.1, it has been admitted that in respect of the first area, that out of the Hill Park 18-residential plot have been carved out. This has resulted in shrinking of the Hill Park. The second issue relates to the plot reserved for school. It is admitted by the respondent No.1 that 10-plots each measuring 50x90 square feet have been carved out from the school. The issue relating to the third and fourth areas that pertains to the space reserved for 'Markaz', is given up by the petitioner. The fifth area is a public park in Sector 13/3, Islamabad. It is also admitted by respondent No.1 that the depression measuring 20 to 30 square feet along with the site of 'Nullah' has been filled up with earth and has been converted into residential area.

5. It is contended by learned counsel for respondent No.1 that the petitioner is not an aggrieved person and the area of the already existing residential plots has not been changed; and that the petitioner was supposed to have resorted to the arbitrator, as provided under Clauses 23 and 24 of the Brochure, which is now made part of the record as Annexure-C-A. It is further submitted by the learned counsel for respondent No.1 that the site plans referred to by learned counsel for the petitioner, as Annexures C and D are provisional and may be subjected to alterations in order to cater to the needs of the inhabitants of the housing society. However, learned counsel for respondent No.1 says and relies on the site plan annexed with the written reply as Annexure-F.

6. I have heard learned counsel for the parties and have gone through the record.

ATTESTED

Sardar Faridullah Khan
Secretary General, Housing Corporation
Islamabad, Pakistan



37

(12)

7. This court cannot determine the factual controversy between the parties, however, it is admitted by both the sides that 12-plots were carved out from the Hill Park situated in Sector G-13, Islamabad, resulting in shrinking of the Hill Park and of the public utilities for the inhabitants of the locality. The plot reserved for the Secondary School measuring 3.87 acres has also been reduced. 10-plots, each measuring 50x90 square feet have been taken out from the land reserved for the school. Open spaces reserved in a housing scheme have to be used for the specified purpose only. The provisional site plans can be subjected to minor changes only to increase the utility of the area. Any public utility cannot be converted into commercial or residential area just to multiply the revenue of the housing society or to add to the fortune of its developers. The open spaces are the common property of the inhabitants of the locality and also the heritage of the generations to come. The conversion of the open spaces into commercial and residential areas is just like tearing away the pages of history, which once torn cannot be replaced. The shrinking of the 'Nullah' which works as a drain for the rainy water is also not admissible under the law. Earth-filling of the depressions that serve as the natural outlets of the rainy water has always brought havoc by inundation of the settlements and habitats of the people during rainy season. The petitioner has well placed reasons to apprehend that the reduction of the area of the 'Nullah' will adversely affect the safety of the residents of the area.

ATTESTED

Examiner Copy Supply
Section Lahore High Court
Rawalpindi Branch

8. As already observed that the land specified for a purpose cannot be used for any other purpose just in order to

multiply revenue for the housing society, the conversion of the lands in all three mentioned cases for financial benefits of the housing society or for proliferation of the riches of the organizers is illegal and cannot be allowed to perpetuate. As far as the objection of learned counsel for respondent No.1 that the petitioner did not, in the first instance, had recourse to the arbitration, the same loses force in the present situation. Where the authority acts in a manner altogether unwarranted by law, the remedies provided under the law need not be exhausted before having recourse to the constitutional jurisdiction of this Court.

9. Those who select a particular area or a housing scheme for their settlement, always have the available public utility area, the parks, the open spaces and topography of the area in their minds. The petitioners having these characteristics of the scheme in their consideration cannot be deprived of it on account of lust for wealth accumulation of the estate developers.

10. The petition succeeds. The respondents are perpetually restrained from converting the public utility areas into residential and commercial places.

Sd/-
(IJAZ AHMAD)
JUDGE

Announced in open Court on 30.06.2010.

Sd/-
JUDGE

Approved for reporting.

Sd/-
Certified to be True Copy
Section 17(1)(b) of the
High Court Rules 1971



Manzoor

Sd/-

This vertical decorative border is composed of a dense, swirling pattern of black ink. The design is characterized by organic, flowing forms resembling stylized leaves, flowers, and vines, interspersed with geometric shapes like diamonds and small circles. The pattern is continuous and repeats vertically, creating a rich, textured appearance against a plain white background.

مکالمہ میں اپنے بھائی کو دیکھنے کا ساری تحریکیں
کوئی نہیں کر سکتا۔

باجھ دکھو کے کارماں
ہونے سخا اسرا ملائی ج

پاک جو کسی پول ملے پہاڑی خوشی کا باغت ہے نہ اسکے
املاک میں پہاڑی خوشی کے پہاڑی خوشی کے پہاڑی خوشی (34)

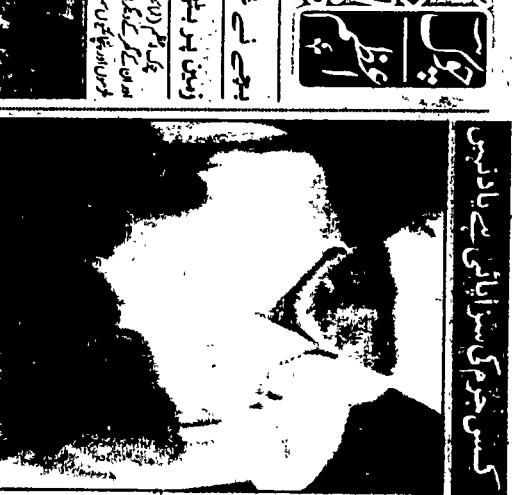
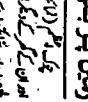
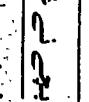
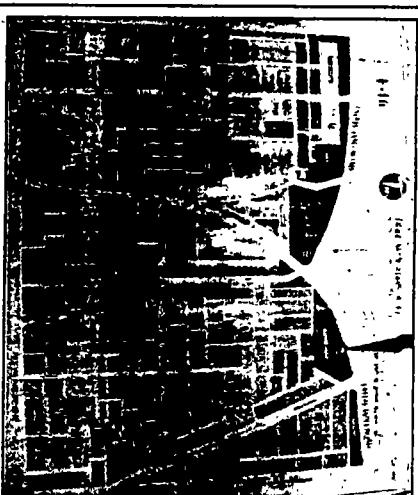
لی اپنے اسلام ملے
مولیٰ کی بیوک کے اگر میں
جلتی کی طبقہ تھی اسی میں
اسنام اور علاں پر کوئی نہ سائی
پاب سے اپنیل میں میری لی باڑے میں
تھے اپنے جانیں اس کوں دعویٰ کیا
بوجھ کوں تھے اس کوں دعویٰ کیا
کوئی نہ سائی پر کوئی نہ سائی
کوئی نہ سائی پر کوئی نہ سائی

فیضی شرکت کردار
بللے خانہ لیلی بیوی مرنے کے
فرم خوبیں کیلی مولی ۹۴ جنگل
دریا بیوی پر شرکت خواہیں نہ مارے گئے —

وَالْمُؤْمِنُونَ

وَالْمُؤْمِنُونَ

کے کو تھوڑا تو اس کے راستے داروں نے بالاش ایم بنسن اور الیگنلہ کو ٹوپی دن کہ میں مخصوص رکھا ہو جائیں گے



٢٧-٥-٢٠١١
جناح مورجن

فائدہ کوڈل میں نے 28 میں مدرسہ دریج کیا ہے اسی میں باہم کریم و خاتون کی تحریر سے پڑھنے والے مدرسے کوڈل میں کوئی مدرسہ نہیں۔

بہترین کی جانب ایک اور قدم

بلاسٹر پروفلسٹ 256Kbps 1GB

کیزیا مارکنٹنگ سے کارکردگی

کیزیا مارکنٹنگ کی وجہ سے کارکردگی

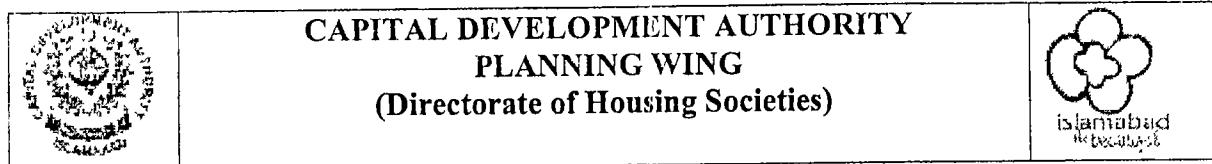
بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ
الْحُكْمُ لِلَّهِ رَبِّ الْعَالَمِينَ
إِنَّا نَعْلَمُ مَا تَعْمَلُونَ

لے پہنچنے کی تاریخ 136 کا کل اسی کے پیش 16 یا شکر بارہ کی تاریخ 151 میں جو کل اپنے دوست کے ساتھ ملے
سماں میں عطا کیا تھا۔ کوئی دوسرے میانے کے نہیں ملتے اور اسی کا مطلب ہے کہ وہ میراث کا ملکیت
اسی اگر انہیں اپنے ایک پالا کے بعد ایک بھائی کے لئے بھائی کے لئے بھائی کے لئے بھائی کے لئے
سماں میں عطا کیا تھا۔

卷之三

بھارتی بولٹ کمپنی نے 1000000000 روپے کا ایک پروپرٹی پورش کیا ہے۔

०ptcl
संस्कृति समूह
प्राचीन



No. CDA/PLW-HS(90)JKCHS/93/Complts/ 3rd

Islamabad, 26th March , 2011

Mr. Muhammad Fayyaz Ahmad Awan,
Secretary, Jammu & Kashmir Cooperative Housing Society,
Community Building, Sector G-15,
G.T Road (Ternole Side), Islamabad

Subject: - COMPLAINT OF AIR COMMODORE (RETD.) AKHTAR NAWAZ KHAN

Please find enclosed herewith copy of the complaint of Air Commodore (Retd.) Akhtar Nawaz Khan, House No. 186, Jammu & Kashmir Housing Scheme, Sector F/15-1, Islamabad, regarding the allegation leveled against the management of M/s J&KCHS regarding Khayaban-e-Kashmir-I Housing Scheme in Sector G-15/F-15, Zone-2, Islamabad.

2. I am directed to advise you to submit your explanation regarding the following points:

- a. Construction of 5-Storey Plazas in G-15 Markaz against the CDA Rules and flats/shops are being transferred without completion of the buildings.
- b. Creation of new plots
- c. No demarcation of graveyard so far creating great difficulties for the bereaved families.
- d. Deviations from the approved layout plan.

3. Your reply should reach undersigned within 20 days positively, otherwise CDA would be constrained to initiative action for violating approved layout plan and terms and condition of the NOC.

/
(AYUB TARIQ)
Director Housing Societies

Copy to:-

1. DG (Planning), CDA
2. Deputy Commissioner/Registrar Co-operative Societies ICT, F-8 Markaz, **Islamabad**
(Copy of the complaint is enclosed for appropriate action)
3. Air Commodore (r) Akhtar Nawaz Khan, House No. 186, Sector F/15-1, Jammu & Kashmir Housing Scheme, **Islamabad**
4. P.S. to Member (P&D), CDA
5. Master File.

MSZ22
Director Housing Societies

U 3 i
**The Chairman,
Capital Development Authority,
Islamabad.**

(18)

Dear Sir,

VIOLATIONS OF CDA LAWS, RULES AND APPROVED LAYOUT PLAN IN G-15/F-15 (KHAYABAN-E-KASHMIR), ISLAMABAD

1. It is submitted that the undersigned, on behalf of the residents and members of G-15 & F-15/1 (*also known as Khayaban-e-Kashmir, which is managed by the Jammu and Kashmir Cooperative Housing Society*) intend to draw your kind attention towards some of the major violations of CDA laws, rules and approved layout plan by the management of J&KCHS; some of these are briefly stated as following:

- a. That, no piece of land has been earmarked for graveyard so far despite consistent requests by the residents to the management of J&KCHS in their meetings/ personal contacts.
- b. Deviation from approved plan by CDA including creation of new plots and allotting these to selected people without going through the process of auction earlier thus is depriving the Society of a handsome return.
- c. Despite provided in the layout plan, a Sewerage Treatment Plant (STP) has not been built in the Society. The sewerage is released in the open, which causes unhygienic environment and could be a potential source of various diseases.
- d. At one location, the width of a street has been reduced to 20 feet in order to create additional plots which are an illegal act. This act of the management also deprives the residents of a decent and befitting living environment.
- e. Construction of ground plus 5-storey plazas in G/15 Markaz as against the CDA rules, and that the flats/shops are being transferred without building completion.
- f. On the name of beautification & landscaping, a contract worth millions of rupees was awarded to favorites ignoring provisions of the basic needs.
- g. Conversion of a mosque plot in G-15/4 mini-commercial into Imambargah, without the consent of the nearby residents, thus sowing the very seeds of a sectarian disharmony. The management could have earmarked some other suitable plot for the purpose.

2. Despite the aforesaid frequent violations, the management of J&KCHS has advertised auction of commercial plots in F-15 and G-15 through 'The Daily Jang dated 20 March, 2011. The residents are once again constrained to report that the management of the Society has delineated 6 commercial plots along one side of the school plot in G-15 Markaz. This new creation is viewed adversely by the residents/members on the following grounds:

- a. That, this is the only plot in G-15 & F-15 where the school could have a spacious area for the class rooms, playgrounds and other learning activities.
- b. This is the only plot where the status of the school could be gradually promoted to college level in due course, thus catering for the future needs of G-15 & F-15 sectors.

Tul

- uu
19
- c. The high-rise building adjacent to the school would continue to be a source of perpetual disturbance for the students, thus adversely affecting the school's educational activities.
 - d. The present management is fast converting open spaces into buildings thus oblivious of the need for retaining such spaces where our children could breathe in a serene environment. The residents and members are not aware as to whether the Society has been getting approvals from the CDA for these changes in the map.
 - e. And, finally, the present management is completing its three years by mid-May, 2011. This auction at the culminating stage of the present management is viewed by the residents as based on vested interests. This auction should have been delayed till formation of the new management committee wherein the money so generated could have been judiciously utilized on the future development projects. In all likelihood, the residents are of the view that this money would not be prudently utilized as per the needs of the community.

3. The J&KCHS was understandably supposed to complete the development work within six years, and that period is reportedly going to expire in May, 2011. Therefore, the residents and members of G-15 & F-15 recommend the following:-

- a. A suitable team may be constituted to conduct fair, transparent and impartial investigations into the affairs of the Society with a view to seeing the development activities so far undertaken, report violations, fix responsibilities for deviations and suggest remedial measures.
- b. The auction so planned by the management of the Society at the culminating stages of the present team be delayed till a new committee is formed in May, 2011 timeframe so that the money so generated from the auction is judiciously utilized by the new committee on future development projects.
- c. The plan for creating commercial plots from within the school plot be discouraged and hence be stopped with a view to ensuring adequate space for the school cum future college.
- d. Also, the management of the J&KCHS may be advised to provide a certified copy of the Society map to each member for their information as is done by the other societies.

Sincerely Yours,

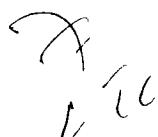


AKHTAR NAWAZ KHAN
Air Commodore (Retd)
Cell No 0300 5234579

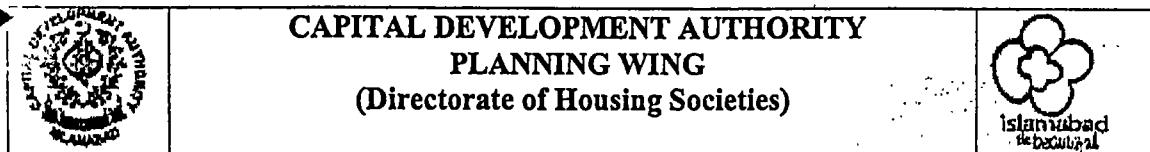
24 March, 2011

Copy to:

1. Chief Commissioner, Islamabad: For information and necessary action please.
2. Deputy Commissioner, Islamabad: "
3. Circle Registrar, Islamabad: "



u5^r
20
REGISTERED



No. CDA/PLW-HS(90)JKCHS/93/Complts/ 347

Islamabad, 13th April, 2011

**Mr. Muhammad Fayyaz Ahmad Awan,
Secretary, Jammu & Kashmir Cooperative Housing Society,
Community Building, Sector G-15/F-15
G.T Road (Ternole Side), Islamabad**

**Subject:- VIOLATIONS OF CDA LAWS, RULES AND APPROVED
LAYOUT PLAN IN G-15/F (KHAYABAN-E-KASHMIR),
ISLAMABAD**

I am directed to refer to the complaint of Air Commodore (Retd.) Akhtar Nawaz Khan, House No. 186, Jammu & Kashmir Housing Scheme, Sector F/15-1, Islamabad, regarding the allegation leveled against the management of M/s J&KCHS regarding Khayaban-e-Kashmir-I Housing Scheme in Sector G-15/F-15, Zone-2, Islamabad sent to you on 13-4-2011.

2. It is informed that officials of Housing Societies Directorate, CDA would visit the Khayaban-e-Kashmir-I Housing Scheme, in this regard, on Wednesday 20-4-2011 at 12:30 Hrs.

3. It is requested that representative/professionals including Town Planner well conversant with the affairs of Planning and Development of the scheme alongwith Documents/Plans, be present at site on given schedule.

**(IJAZ AHMAD)
Dy. Director (HS-I)**

Copy to:-

1. DG (Planning), CDA
2. Deputy Commissioner/Registrar Co-operative Societies ICT, F-8 Markaz, Islamabad
3. Air Commodore (r) Akhtar Nawaz Khan, House No. 186, Sector F/15-1, Jammu & Kashmir Housing Scheme, Islamabad
4. Master File.

Dy. Director (HS-I)

REGISTERED

	CAPITAL DEVELOPMENT AUTHORITY PLANNING WING (Directorate of Housing Societies)	
--	---	--

No. CDA/PLW-HS(90)JKCHS/93/Complts/ 348

Islamabad, 13th April, 2011

Mr. Muhammad Fayyaz Ahmad Awan,
 Secretary, Jammu & Kashmir Cooperative Housing Society,
 Community Building, Sector G-15,
 G.T Road (Ternole Side), Islamabad

**Subject: - VIOLATIONS OF CDA LAWS, RULES AND APPROVED
LAYOUT PLAN IN G-15/F (KHAYABAN-E-KASHMIR),
ISLAMABAD**

Please find enclosed herewith copy of the complaint of Air Commodore (Retd.) Akhtar Nawaz Khan, House No. 186, Jammu & Kashmir Housing Scheme, Sector F/15-1, Islamabad, regarding the allegation leveled against the management of M/s J&KCHS regarding Khayaban-e-Kashmir-I Housing Scheme in Sector G-15/F-15, Zone-2, Islamabad.

2. I am directed to advise you to explain the position regarding the following points:

- a. That, no piece of land has been earmarked for graveyard so far despite consistent requests by the residents to the management of J&K CHS.
- b. Deviation from approved Layout Plan by CDA including creation of new plots and allotting these to selected people without going through the process of auction, thus is depriving the Society of a handsome return.
- c. Despite provide in the Layout Plan, a Sewerage Treatment Plant (STP) has not been built in the Society. The sewerage is released in the open, which cases unhygienic environment and could be a potential source of various diseases.
- d. Construction of ground plus 5-storey plazas in G/15 Markaz as against the CDA Rules, and that the flats/shops are being transferred without completion of building.
- e. Management of the Society has delineated 6 commercial plots along one side of the school plot in G-15 Markaz

3. Your reply should reach undersigned within 15 days positively, otherwise CDA would be constrained to initiate action, under ICT (Zoning) Regulation 1992, for violating approved Layout Plan and terms and condition of the NOC.

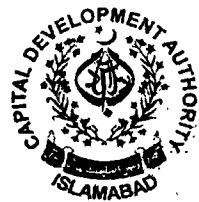
**(AYUB TARIQ)
Director Housing Societies**

Copy to:-

1. DG (Planning), CDA
2. Deputy Commissioner/Registrar Co-operative Societies ICT, F-8
Markaz, Islamabad
(Copy of the Complaint is enclosed for appropriate action regarding allegations pertaining to your office)
3. Air Commodore (r) Akhtar Nawaz Khan, House No. 186,
Sector F/15-1, Jammu & Kashmir Housing Scheme, Islamabad
4. P.S. to Member (P&D), CDA.
5. Main File (latest volume).
6. Master File.

Director Housing Societies

کیپٹیل ڈیویلپمنٹ اتھارٹی اسلام آباد



پلانگ ونگ

(ڈاکٹر یکٹور یٹ آف ہاؤسنگ سوسائٹیز)

پلک نوٹس

متظور شده لے آؤٹ پیلانز، رفاقت پلاس، سپلک چارکس، سینزہ زاروں، نالوں /

آب گاہوں کی چوڑائی اور سرمه کوں اور گلیوں کی چوڑائی اور ان کی حد بندی کی بحالی۔

۱۔ اس نوش کے ذریعے ہی ذی اے سے منظور شدہ پرائیویٹ ہاؤس گک اسکم کے اپانسرز کو بدایت کی جاتی ہے کہ یہ بات تینی ہا کیس کے اندر ان کی اراضی کی حالت اسکم کے منظور شدہ لے آؤت کے مطابق بحال ہونا چاہیے۔ مزید برآں، رفاقتی پلاٹس، پبلک پارکس، بیزہ زاروں، ناؤں اور سڑکوں کی جزوی ایجاد کی جائے۔

2-البنادا پر انحصاریت ہاؤس گرل ایکسپوں کے اپنے نرخ کو بدایت کی جاتی کہ چندروہ دن کے اندر سی ڈی اے کے پاس حلقہ نامہ صحیح کرائیں کہ مظہور شدہ لے آؤٹ پلان پر کسی تبدیلی یا تتمم کے بغیر عمل درآمد کیا جا رہا ہے۔ مقررہ مدت کے دوران حلقہ نامہ موصول نہ ہونے کی صورت میں سی ڈی اے ICT (زندگی ریکارڈنگ، 1992) کے تحت کارروائی کے آغاز بر صحیح رہو گی۔

3- پر ایجاد یہ بادستگی اسکیم کے اپنے نزدے یہ بھی درخواست کی جاتی کہ اسکیم کے منظور شدہ لے آؤٹ پلان کے مطابق اراضی پر قبضت را گزر (Right of ways) / سڑکوں / گلیوں، نالوں / آب مکاہوں، پارکس / کھیل کے میدانوں / اسیزہ زاروں، قبرستانوں، عوامی عمارت میں اسکو لے، ڈپندری، مسجد، سیوتک، ترینیٹ پانچ کی حد بندی کریں اور ایسے دشپلے بورڈز لگائیں جن پر زمین کے منظور شدہ استعمال کی واضح نشان دی کی جائیں۔

4- اگر منظور شدہ لے آؤٹ سے انحراف دیکھنے میں آیا نوٹ کیا گیا تو سی ذی اے بے مجبور ہو گی کہ انفورمنٹ ڈائریکٹور یعنی آنف سی ذی اے کے ذریعے ترقیاتی کام روکا دے۔ اس حوالے سے سی ذی اے کی طرف سے ایک سرو بے کا آغاز کیا جا رہا ہے۔

(عاشق علی غوری) ڈاکٹر یکشہ، ہاؤسنگ سوسائٹیز

PID (I) No.4865/10

ARGUS

دریاچہ نے کارکردگی سے مکمل طور پر خود بروکھیت کا دریا	
کروڑوں کی خود بروکھیت کا دریا	اسلام آباد (عمران پور) نے پاکستانی امن و امنیت کی کمیں نے کی اور پاکستانی سولہ ایکٹ اور کروڑوں روپے کے درود اور اس نے پر سینئر اور پیچہ اسکے اداروں کی تھیں کوئی راجح سلطنت سے مکمل طور پر خود برداشت کیا ہے۔
5	خود بروکھیت کا دریا
لے	لے
لے	لے

u8-
23
CM 01-11-
NP 1777/11

IN THE ISLAMABAD HIGH COURT ISLAMABAD

1. Muhammad Raza s/o Piao Khan Resident of House No. 168, Street 7, Sector G-15/2, Islamabad.

2. Muhammad Iqbal son of Ghulam Rasool Resident of House No. 220, Street 10 Sector G-15/2, Islamabad.

(Petitioners)

VS

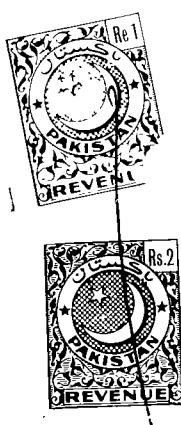
Jammu & Kashmir Co-operative Housing Society (JKCHS) Community Centre Building, Sector G-15, Main G.T Road. Islamabad through its Chairman & 3 others

(Respondents)

WRIT PETITION UNDER ARTICLE 199 OF THE CONSTITUTION OF ISLAMIC REPUBLIC OF PAKISTAN

APPLICATION UNDER ORDER 39, RULE 1 & 2 READ WITH SECTION 151 OF C.P.C

Respectfully Sheweth:

- 
1. That the above titled writ Petition is being filed today before this Hon, able Court, the contents of which may kindly be read as an integral part of this petition.
 2. That the petitioner has a good prima facie of the petition and there is very likelihood to be succeeded in it.
 3. That the balance of convenience lies in favour of the petitioner.
 4. That it is in the best interest of justice and hence prayed that deviation from the approved layout plan in Jammu Kashmir Co-operative Housing Society by the respondent no.1 & 2 and conversion of green areas and public open places, schools etc into residential/commercial plots in violation of the approved layout plan by CDA, may be suspended with all its consequences till the final disposal of the writ petition. The respondent no.1 & 2 with the respondent no.3 may be restrained from conversion of the public open spaces into residential and commercial plots and respondent no. 4 be directed not to approved the revised lay out plan submitted by the respondent no. 1 & 2 till the final disposal of the present lis in hand.

Any other relief which this Hon, able Court may be deem fit and proper be also granted.

Petitioner's
Signature


Qazi Ghulam Dastgir
Advocate High Court
Office No. 1 Justice Iftikhar M Ch
Block F-8 Markaz, Islamabad.
051-2850977

u a 10

24

IN THE ISLAMABAD HIGH COURT ISLAMABAD

1. Muhammad Raza s/o Piao Khan Resident of House No. 168, Street 7, Sector G-15/2, Islamabad.
2. Muhammad Iqbal son of Ghulam Rasool Resident of House No. 220, Street 10 Sector G-15/2, Islamabad.

(Petitioners)

VS

Jammu & Kashmir Co-operative Housing Society (JKCHS) Community Centre Building, Sector G-15, Main G.T Road. Islamabad through its Chairman & 3 others

(Respondents)

WRIT PETITION UNDER ARTICLE 199 OF THE CONSTITUTION OF ISLAMIC REPUBLIC OF PAKISTAN

APPLICATION UNDER ORDER 39, RULE 1 & 2 READ WITH SECTION 151 OF C.P.C

Affidavit

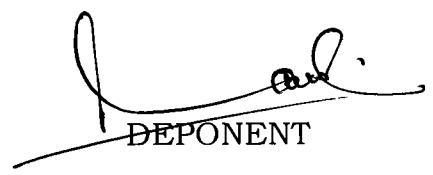
I, Muhammad Raza s/o Piao Khan Resident of House No. 168, Street 7, Sector G-15/2, Islamabad, do hereby solemnly affirm and declare as under:

That content of the annexed Application are true and correct to the best of my knowledge and belief and nothing material has been concealed or withheld.



DEPONENT

Verified on oath at Islamabad on this 1st day of June, 2011 that contents of the above affidavit are true and correct to the best of my knowledge and belief and nothing material has been concealed or withheld.



DEPONENT

50⁰

(25)

IN THE ISLAMABAD HIGH COURT ISLAMABAD

Om 62/B/H
K/1777-11

1. Muhammad Raza s/o Piao Khan Resident of House No. 168, Street 7, Sector G-15/2, Islamabad.
2. Muhammad Iqbal son of Ghulam Rasool Resident of House No. 220, Street 10 Sector G-15/2, Islamabad.

(Petitioners)

VS

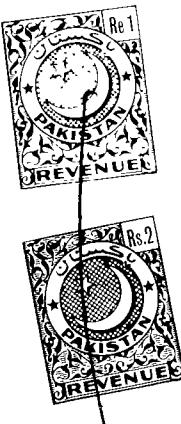
Jammu & Kashmir Co-operative Housing Society (JKCHS) Community Centre Building, Sector G-15, Main G.T Road. Islamabad through its Chairman & 3 others

(Respondents)

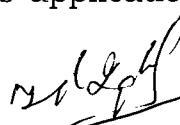
WRIT PETITION UNDER ARTICLE 199 OF THE CONSTITUTION OF ISLAMIC REPUBLIC OF PAKISTAN

APPLICATION FOR EXEMPTION FROM FILLING OF CERTIFIED COPIES

Respectfully Sheweth;

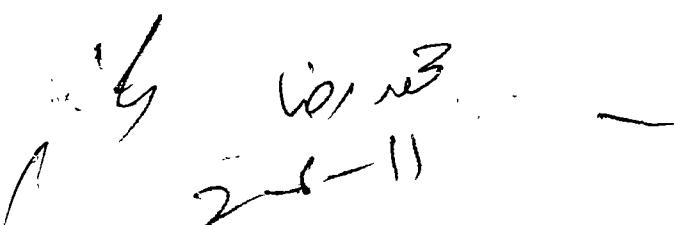
- 
1. That the petitioner has filed the above titled writ petition today in this Hon, able Court.
 2. That the petitioner is unable to file certified copies of the relevant documents annexure with the writ petition. If the petitioner would not be exempted from filing of certified copies, the petitioner will suffer an irreparable loss.

In the circumstances it is therefore respectfully prayed that this honorable court may very graciously exempt the petitioner from filing of certified copies of the relevant documents by accepting this application in the interest of justice.


Petitioner's


Qazi Ghulam Dastgir
Advocate High Court
Office No. 1 Justice Iftikhar M Ch
Block F-8 Markaz, Islamabad.
051-2850977


Rashid Ali Khan
Advocate High Court



51-0

(26)

IN THE ISLAMABAD HIGH COURT ISLAMABAD

1. Muhammad Raza s/o Piao Khan Resident of House No. 168, Street 7, Sector G-15/2, Islamabad.
2. Muhammad Iqbal son of Ghulam Rasool Resident of House No. 220, Street 10 Sector G-15/2, Islamabad.

(Petitioners)

VS

Jammu & Kashmir Co-operative Housing Society (JKCHS) Community Centre Building, Sector G-15, Main G.T Road. Islamabad through its Chairman & 3 others

(Respondents)

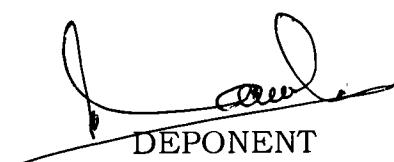
WRIT PETITION UNDER ARTICLE 199 OF THE CONSTITUTION OF ISLAMIC REPUBLIC OF PAKISTAN

APPLICATION FOR EXEMPTION FROM FILLING OF CERTIFIED COPIES

Affidavit

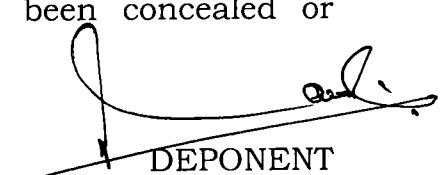

I, Muhammad Raza s/o Piao Khan Resident of House No. 168, Street 7, Sector G-15/2, Islamabad, do hereby solemnly affirm and declare as under:

That content of the annexed Application are true and correct to the best of my knowledge and belief and nothing material has been concealed or withheld.



DEPONENT

Verified on oath at Islamabad on this 1st day of June, 2011 that contents of the above affidavit are true and correct to the best of my knowledge and belief and nothing material has been concealed or withheld.



DEPONENT

01 JUN 2011

520
27

IN THE HONOURABLE ISLAMABAD HIGH COURT, ISLAMABAD

Muhammad Raza & Muhammad Iqbal

VS

Jammu & Kashmir Co-operative Housing Society (JKCHS) & 3 others

KNOW ALL to whom these presents shall come that I/We the undersigned, appoint

QAZI GHULAM DASTGIR (Advocate High Court)

Of Islamabad (herein after called the advocate/s) to be the advocate/s for the above captioned suit to do all the following acts, deeds and things or any of them is to say:

1. To act, appear and plead in the above mentioned cause in this Court or any other Court in which the same may be tried or heard in the first instance for proceedings U/Art.199 or in appeal or review or revision or at any other stage of its progress until its final decision subject to the settlement and payment of fee for each stage;
2. To present pleadings, appeals, cross-objections or petitions for execution, review or revision, or to withdraw, compromise or file other petitions or affidavits or other documents as shall be deemed necessary or advisable for the prosecution of the said cause in all its stages;
3. To withdraw or compromise the said cause or submit to arbitration any differences or disputes that shall arise touching or in any manner relating to the said cause;
4. To receive money and grant receipts thereof and to do all other acts and things which may be necessary to be done for the progress of the prosecution of the said cause;
5. To employ any other legal practitioner authorizing him to exercise the power and authorities hereby conferred on the Advocate whenever he may think fit to do so.

AND I/we hereby agree to ratify whatever the Advocate shall do in proceedings.

AND I/we hereby agrees not to hold the Advocate or his substitute responsible for the result of the said case in consequence of his absence from the Court when the said case is called up for hearing.

AND I/we hereby agree that in the event of the whole or any part of fee agreed by me/us to be paid to the Advocate remains unpaid he shall entitled to withdraw form the prosecution of the said case until the same is paid.

IN WITNESS WHEREOF I/we here unto set my/out hands to these presents the contents of which have been explained to and under stood by me/us this the 1st day June 2011.

Accepted subject to terms as to fee.

(Signature or impression)

Name: Muhammad Raza & Muhammad Iqbal

Designation: - Petitioners

Gh Dastgir
Counsel/s

192-6-11
192-6-11

ORIGINAL

1+2

(10 m.v.)
17/6/11

53⁰

IN THE ISLAMBAD HIGH COURT ISLAMABAD

MUHAMMAD RAZA & OTHERS

WRIT PETITION NO

1777/2011

VS

JAMMU & KASHMIR HOUSING SOCIETY & OTHERS

WRIT PETITION UNDER ARTICLE 199 OF CONSTITUTION OF PAKISTAN

WRITTEN COMMENTS ON BEHALF OF RESPONDENT NO. 1 & 2

INDEX

<u>SR.No.</u>	<u>Description Of Documents</u>	<u>Date</u>	<u>Annexure</u>	<u>Page Numbers</u>
1	Memo of written comments			1-6
2	Certified Copy Of Suit Titled KHALID MEHMOOD & Others VS Deputy Commissioner & Others		A	7-12
3	Stay Application		B	13
4	Amended Plaintiff With Affidavit		C	14-18
5	Order Sheet		D	19-23
6	Reply Of Stay Application Under Order 39 Rule 1& 2			24
7	Counter Affidavit			25
8	Power Of Attorney			26

~~Respondents No. 1 & 2
Through
Counsel~~

(1) 54/0

IN THE ISLAMBAD HIGH COURT ISLAMABAD

R12A
~~RAZA~~ MUHAMMAD & OTHERS

W.P.No 1777/2011

VS

JAMMU & KASHMIR HOUSING SOCIETY & OTHERS

WRIT PETITION UNDER ARTICLE 199 OF CONSTITUTION OF PAKISTAN

WRITTEN COMMENTS ON BEHALF OF RESPONDENT NO. 1 & 2

RESPECTFULLY SHEWETH,

FACTS SHEET

1. That the brief facts of the case are that Respondent 1 is co-operative housing society registered under co-operative societies act 1925 and co-operative rules 1927 with registrar societies I.C.T Islamabad
2. That aim and objectives of the society are to provide housing facilities to its member on co-operative ,self help and no profit no loss basis
3. That JAMMU & KASHMIR society has its own bye laws duly approved by competent authority

That under the by laws the affairs of society are being managed and run through a body called managing committee consisting of Chairman, senior vice chairman, vice charman General Secretary, Joint Secretary, Treasurer and 5 Executive members

That management committee is elected through election by secret balloting by its voter members after every three years

That present management committee was elected on June 5, 2011 by defeating petitioner group with thumping Majority through free, fair and impartial election

That reposing of confidence through secret balloting by the thumping majority of members speaks volume of hard work and honesty of the management committee

That it is pertinent to mention here that the society is running its affairs by utilizing its own resources and contribution made by the members. Its not being funded by Government institution, non Government Organization or any charitable organization

That all major decisions are taken according to law and approved by general body.

That petitioners have leveled plethora of allegations at different forums but could not prove a single allegation

That petitioners are willful defaulters of society and want to take refuge through False and frivolous litigations and they are disqualified to take part in proceedings of society under the law

That petitioners along with a few banned wagon of vested interest are bent upon to harm and damage cause of society which is well ahead of its target

That these people are so desperate to control management of society that in recent election they hired services of a known blackmailer newspaper who published a story in its issue of may 25,26,27 2011 which is verbatim copy of their petition

(3)

56

That allegations leveled in petition are false and fictitious hence vehemently denied

That not a single plot has been converted into commercial and everything is according to approved layout plan if they have any proof they can adduce before trial court where the suit is already pending

That petitioners are prone to false and fictitious litigation and want to blackmail and hijack the society through unfair means

Fact of the matter is that they are living peacefully in their house which has been handed over to them at the cost of other members contribution and now they are creating hurdles in development work and are unwilling to pay their contribution hence they have started baseless unlawful litigation to create hurdles in development work and to meet their malafide designs they have stopped paying dues of society and have become willful defaulters ,being defaulter they have no right what so ever to pose themselves as well wisher of the members of society

PRELIMINARY OBJECTION

The instant petition is bared by law as the matter is already pending before the court of **Mr Irfan Naseem Tarrar Learned Civil Judge Islamabad** on same cause of Action between same parties the attested copy of the plaint and order sheet is annexed with the plaint as Annexure A of written comments

That petitioners have not come to this honorable court with clean hands and suppressed and concealed the material facts hence petition is liable to be dismissed

That the petitioners are liable to be proceeded under section 476 read with section 195(b) CRPC for submitting false affidavit that no suit is pending in any court and no efficacious remedy is available

That petitioner has filed this writ petition with malafide intention for their ulterior motives and they have baseless allegations . However answering respondents always abide by the laws and carries out their constitutional duties according to law with approval of annual general body meeting which is supreme authority under section 19 of the approved bye laws of respondent society

(4)

5/20

That all the allegations leveled by the petitioners needs evidence and factual inquiry therefore petition in hand is neither maintainable nor proceedable

That reposing of confidence by thumping majority voter members in recent elections held on 5th June 2011 is an ample proof of efficiency, honesty and hard work of respondent No 1 & 2

That petitioners being willful defaulters of society are not entitled to any equitable relief as equity and justice demand that petitioners must abide by the bye laws of the Respondent society and pay their dues accordingly

PARAWISE REPLY

Para 1 needs no reply

Para 2 is incorrect as stated, the respondent No.1 is co-operative housing society registered under co-operative act 1925 and co-operative rules 1927 with registrar society I.C.T Islamabad and supreme authority of the society rest with the annual general body meeting according to section 19 of Bye Laws approved by competent authority.

Para 3 needs no comments

Para 4 is false and incorrect, a copy of layout plan annexed with the petition is not approved copy rather it is manipulated by the petitioners.

Para 5 is Vehemently denied being incorrect and figment of petitioners brain for ulterior designs, not a single violation or deviation of approved layout plan ever exists, all areas ear marked for public park, schools, Grave yards are there and not a single plot has been converted into commercial or allotted to any member as claimed by the petitioners

No detail of allotment to any person or any member has been given, if there is any evidence they can proof their case before trial court where the suit is pending filed by the petitioners

That the judgment sited in writ petition NO. 2150 / 20-10-2010 of Lahore High Court Rawalpindi Bench has no relevancy in the present case because in the fore mentioned judgment there was no civil suit pending between the same parties and the gross violation of layout plan was admitted by the respondents

(5)

58

that they have changed the natural outlet of rainy water was converted into residential plots whereas in the present case not a single violation what so ever have been committed , space is already reserved for grave yard in sector G-15/F-15

Petitioners are provided 24 hour security by the society but petitioners are not paying service charges / dues of their part and they are violating bye-laws of society

Para 7 is vehemently denied being false and incorrect

Para 8 is also denied being false and incorrect detail replies have been given in facts sheet and the publication of false story in newspaper is verbatim copy of their petition which they provided to said newspaper for damaging society and getting support of members but wise decision of members in election is sufficient proof of their malafide intention and maleign ideas

Para 9 is denied as contents of letters are false fabricated , the said AKHTAR NAZWAZ is one of the member of trouble creators who was declared disqualified by the election authority to contest election as president being defaulter of society

Para 10 is vehemently denied being incorrect details have been given in preceding paras

REPLY OF GROUNDS

- (a) Incorrect no deviation from approved plan was made
- (b) Incorrect, false , frivolous
- (c) Incorrect and without any substance land for grave yard has already been reserved
- (d) Denied being false and incorrect
- (e) False , incorrect hence denied
- (f) False and incorrect, figment of ill brains

(6)

59 - 0

- (f) False and incorrect, figment of ill brains
- (g) That this shows criminal nature and intention of petitioners that the matter already subjudice in the court of **Mr Irfan Nasim Tarar** learned civil Judge 1st class Islamabad next hearing is on 14-6-2011 , the falsehood and irresponsible attitude of petitioner is depicted after the statement that they have no remedy available

PRAYER

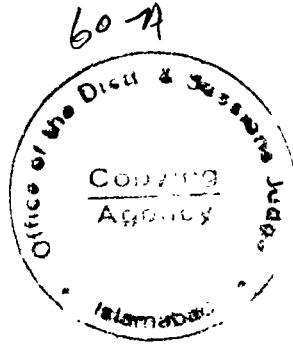
In the light of reply made above it is respectfully prayed that instant writ petition be kindly dismissed being bared by law false frivolous and without any substance .

That it is further prayed that criminal proceedings under section 476 read with section 915 (c) be initiated against Petitioner for submitting false affidavit and concealing the pendency of suit in the civil court

That special cast may also be awarded for wasting precious time of this honorable court and causing financial loss of litigation to the respondent society

Respondent 1 & 2
Through
counsel

(7)



IN THE COURT OF SENIOR CIVIL JUDGE ISLAMABAD

1. Khalid Mehmmod s/o Muhammad Ramzan resident of House No. 334, Street No. 12, Sector G-15/2, Islamabad.
2. Muhammad Raza s/o Piao Khan Resident of House No. 168, Street 7, Sector G-15/2, Islamabad.
3. Muhammad Iqbal s/o Ghlam Rasool resident of House No. 220, Street 10, Sector G-15/2, Islamabad.
4. Syed Tahir Husain Gillani s/o Sher Badsha Gillani resident of House No. 240 , Street 9, Sector G-15/1 Islamabad.
5. Muhammed Jamil Akhtar s/o Mina Noor Muhammed resident of House No. 465, Double road, Sector G-15/1 Islamabad.
6. Syed Aamir Husain s/o Syed Waqar Hussain resident of Flat No. 12, Block 6-A, Sector G-15/4 Islamabad.
7. Mian Ali Ameer Nadeem s/o Mian Ameer Ali resident of House No. 171, Street 8, Scctor F-15/1 Islamabad.
8. Asif Razzaq S/o Abdud ul Razzaq Line no.6 B, House No.25 H, Lalazar sher Zaman Colony Rawalpindi.
9. Muhammad Sarwar Amjad s/o Inayatullah House No. 194, Street 12, Sector G-15/4 Islamabad.
10. Kanwar Tariq Mehmood s/o Ch.Abdul Rehman House No. 604, Street 25, Sector G-15/1 Islamabad.

(Plaintiffs)

VS.

1. Jammu & Kashmir Co-operative Housing Society (JKCHS) G-15, Main Road. Islamabad through its Chairman.
2. Deputy Commissioner/Registrar of Co-operative Societies, Islamabad.

Entrusted to ... 3/2/11
Date of filing ... 3/2/11
(Defendants)

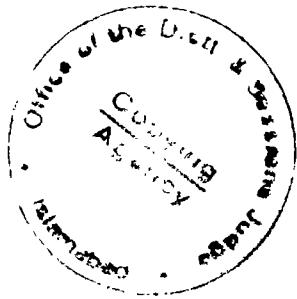
SUIT FOR DECLARATION, PERMANENT AND MANDATORY INJUNCTIONS

Respectfully sheweth,

1. That, the defendant no.1, herein after called the defendant society, was launched in the name of Jammu & Kashmir Co-operative Housing Society (JKCHS) G-15, Islamabad, in February, 1993 and the members (plaintiffs) were given possession of plots in January, 2007. After payment of their whole dues including development charges, allotment letters and clearance certificates were issued to the plaintiffs. Copy of clearance certificates and allotment letters are attached as Annexure "A".

11 JUN 2011

(8)



61A

2. That, after issuance of allotment letters, the possession of the plots was handed over. Therefore, the plaintiffs started construction on their plots and after completion of construction of their houses in the defendant no.1 society; each and every plaintiff is living in his own house.
3. That the Jammu & Kashmir Co-operative Housing Society (JKCHS) consists of the following Six Sectors that is as under:
- i. Kashmir Model Town (KMT) Chakri Road, Rawalpindi
 - ii. G-15 / F-15/1, Islamabad
 - iii. F-15/1 Extension, Islamabad
 - iv. F-16, Islamabad
 - v. Zone-IV (agro farm), Islamabad
 - vi. Khaban-e- Kashmir 2 (Zone V) Islamabad

That the defendant no. 1 advertised in the "Daily Jang" dated 27 Jan 2011 to call the Annual General Meeting (AGM) of the society at Kashmir Model Town, Chakri Rawalpindi on 13th Feb 2011 instead of its office at G-15 Markaz Islamabad. This act of calling AGM by the society is illegal and has no justification that all important points on the agenda pertain to G-15 and F-15, the AGM at a remote location appears to be an attempt to regularize the misdeeds through hired miscreants and blocking attendance of the resident of G-15 and F-15/1 who were on the receiving end for the last 2-3 years. The proposed meeting venue at Chakri does not suit the residents in particular and the non resident members in general; thus there is likelihood that a great majority would not be able to attend the AGM because an established community centre is available in G-15 Markaz and in the past defendant no. 1 called the three(3) AGMs at this venue and this venue would be very convenient for the residents to participate in the said AGM and it is also mentioned in by laws of the society that "The General Meeting shall be held at the registered address of the Society or at such place which the committee or registrar may select. After the development of the society's colony such General Meeting will be held in the premises of the society" The AGM should be held within the premises of society community centre to make it convenient for the members to attend the meetings, therefore, holding a meeting in Chakri, Rawalpindi would be against the spirit of this clause. The best modus-operandi to allow attendance of each and every member of the society in AGM is to ensure that only members are allowed to enter AGM Venue/ Hall on production of original CNIC plus plot/ Flat allotment letter and the said area be declared "Strictly Prohibited" for non members for AGM duration of time. In such a manner, the AGM would be a transparent process and acceptable to all members. However, the same pattern should be applied during the course of up-coming J&KCHS Election expected to be held in early second quarter 2011 to avoid riggings and ensure free and fair election acceptable to all members of J&KCHS and relevant panels participating in the election 2011. Since J&KCHS having its own specious premises in G-15 civic centre with related facilities that is car parking etc etc. It is common consensus of J&KCHS members that future AGMs and elections should be held in society G-15 civic centre for ease of convenience.

03 FEB 2011

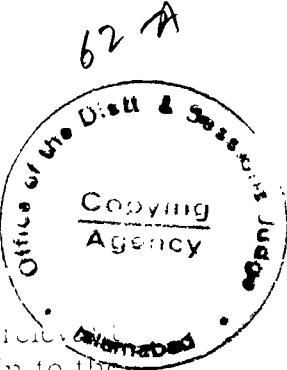
4. The society has called the AGM of all sectors taking the approval of the matters pertaining to specific sectors G-15, F-15 extension and F-15/1. The members of other sectors have No right to give their opinion and approve this agenda it is only the prerogative right of members of G-15, F-15 extension and F-15/1 to make such decisions. In this ~~social~~ ^{Supra} ~~in~~ ⁱⁿ ~~concern~~ ^{concern}

ATTESTED

[Signature]

11 JUN 2011

(9)



such meetings may be called for the affected members of the relevant sectors. That most of the problems as stated in the agenda pertain to the residents and a great majority of the non resident members of G-15, F-15 and F-16 sectors. Hence holding the AGM in Chakri Rawalpindi will be a futile exercise. Moreover, the agenda also needs rationalization as some of the more specific issues could be taken up with that particular affected group in separate meetings.

5. That the defendant no. 1 management has never been paying attention to the communications of the residents instead the society is showing callous approach to the CDA rules and Circle Registrar directives and doing illegal act of as under:

- a) Construction of 5 storey plazas in G-15 Makrav is violations of the CDA rules, and flats/shops are being transferred without mandatory building completion certificate whereas the society is very strict to apply CDA rules in full spirit on residential houses. At many occasions, society ensured demolition of violations prior to issuance of building completion certificate for the relevant houses. **Copy of shop transfer letters is attached as Annex "B".**
- b) Imposing additional charges for the Sui gas development charges has twicely been collected in the past and high rates of electricity bills despite the residents having paid all development charges years ago.
- c) Charging of heavy additional development charges from F-15/1 (extension) members @ Rs.990/- per sq yard whereas defendant no. 1 society already charged @ Rs.800/- per sq yard many years ago which the members had already paid. **Copy of letter dated 10-12-2010 is attached as Annex "C".**
- d) Creation of new plots and allotted them to the selected people without following the process of auctioning thus depriving the society of a good return.
- e) Deviations from the lay out plan approved by the CDA Islamabad
- f) Despite of F-15/1 and G-15 members/ residents repeated request and reminders, therefore, so far no demarcation of Graveyard which has been creating great difficulties for the bereaved families. In the recent past there were five deaths occurred in G-15 and eventually the concerned families experienced hardship due to non availability of Graveyard with related facilities.
- g) Due to inadequate security arrangements in G-15 & F-15/1 there have been at many occasions whereat approximately ten auto mobile and twenty motor bikes have been stolen as well as many thefts have taken place.
- h) Possessions of some portion of G-15/4 plots to the allottees have not yet been given by the society whereas the

ATTESTED
Superintendent

11 JUN 2011

(10)

63 A



concerned allottees have cleared all dues to J&KCHS in possession of plots.

6. That as stated above that the plaintiffs have paid their whole charges including development charges and after its payment it became the legal responsibility of the defendant no.1 to provide all the basic facilities to the plaintiffs including electricity, gas, roads and sanitation etc in time but the management of the defendant no.1 society could barely provide to the plaintiffs unreliable water and temporary electricity and have failed to provide sui gas, telephone and regular electricity so far that the defendant no. 1 society intentionally put financial burden on members of F-15/1 and G-15 in relation to getting temporary electric connections spent around Rs.20,000/- plus cost of electric meter and electric cables by each member/residents instead of providing at J&KCHS society cost. Therefore, defendant no. 1 society should, in principle, refund these cost to the concerned residents of G-15 and F-15/1.
7. That despite receiving extra amount from the plaintiffs on account of revised expenditures on water, electricity telephone, sui gas and sewerage etc etc in 2005 (before the issuance of Possession Letters of Plots ... possession means all dues cleared and Nothing is Outstanding), defendant no.1 again claims an extra amount between Rs.25, 000 to Rs.45, 000 from each plaintiff for sui gas development charges according to their plot size are not approved by the concerned members of the relevant sectors through special meeting of the concerned members of the society. It is also worth mentioning here that the plaintiffs have already paid these charges as developmental charges twice in the past to the defendant society and further demand by the defendant society as gas development charges is the total negation of the rights of the plaintiffs in the society and is unfair and illegal. In this connection an application dated 03.Jan, 2011 was written by the plaintiffs to the defendant no.2 regarding redressal of their problems but all in vain hence this suit. **Copy of application and letters of demand of extra gas charges is Annex as "D".**
8. That the plaintiffs continuously visited the defendant no. 1 office regarding peaceful solution of the above stated problems and also approached to the office of defendant no.2, who is mainly vested with the powers to deal such like problems of cooperative societies, requests were made to him by the plaintiffs to play his role to call a special meeting (affected people) of the plaintiffs in registered office of the society to discuss and resolve the above stated problems but neither the defendant no.1 is interested to solve the above stated problems, rather linger on the matter for a long time, nor the defendant no.2 handle these problems seriously, nor paid his heed to resolve these problems. In such conditions the plaintiffs have no option but to knock the door of this honorable court to get justice in this respect.
9. That the cause of action is accrued to the plaintiffs against the defendant no.1 firstly when the defendant no.1 office issued the clearance/possession certificates to plaintiffs after payment of all dues including development charges and after payment of these charges further claim of Rs. 25,000/-Rs.45,000/ as gas development charges secondly when the defendant no.1 society did not fulfil the responsibilities to provide the standard and permanent facilities of electricity, gas, water, STP facilities rather poor arrangements of these facilities were provided to the plaintiffs lastly some days before when the defendant no.2, Registrar of Co-operative Societies, who is the Superintendent **ATTESTED**

11 JUN 2011

(11)

641



for handling the problems of cooperative societies, took no action on application dated 03.Jan,2011, filed by the plaintiffs.

10. That the defendant's offices are situated in Islamabad and the plaintiffs are also residing in Islamabad and thus the cause of action accrued within the territorial jurisdiction of this honorable court, hence this honorable court has jurisdiction to entertain the matter and grant the relief claimed.
12. That the value of the suit for the purpose of court fee and jurisdiction is fixed at Rs. 1,000/- which is exempt from payment of court fee.

Prayer:

In view of the above it is respectfully prayed that this honorable court may very graciously pass a judgment and decree in favour of the plaintiffs and against the defendants to the following effects:-

- I. Decree for declaration to the effect that the plaintiffs being the legal members of the defendant no.1 society, the venue of the AGM be shifted to the Community Center in G-15 Markaz.
- II. Decree for permanent injunctions and gave direction to defendant no 1 to provide proper space for graveyard.
- III. Decree for permanent injunctions restraining the defendant's no.1 to construct the 5 story commercial plazas by strictly implementing CDA building bye laws.
- IV. Mandatory injunctions directing the defendant no.1 not to claim extra charges for sui gas development charges and those plaintiffs who have been forced to pay these illegal and extra charges be refunded by defendant no.1 society to their legal owners at the earliest and defendant no.1 society should refrain from creating bottlenecks in getting sui gas connections by the members /residents of G-15 and F-15/1. Defendant no.1 the society to withdraw their letter dated 10.12.2010 asking therein for heavy additional development charges of Rs. 990/- per square yard from F-15/1 extension members of J & KCHS. Defendant no.1 to ensure that specific sector related issues may be discussed with and necessary approval is obtained from the said sector members/residents ONLY and other sectors members have, in principle and logically, NO RIGHT to decide for the affectees.

REV. 2 VI. Mandatory injunctions directing the defendant no.2 to hold an impartial and transparent classified Audit of J&KCHS which is to be conducted by the Auditor General of Pakistan and report results at the earliest.

105 VI. Mandatory injunctions directing the defendant no.1 to assign top priority to this effect by making prompt arrangements to provide security 24 Hours to the residents to make their life secure.

VII. Cost of the suit

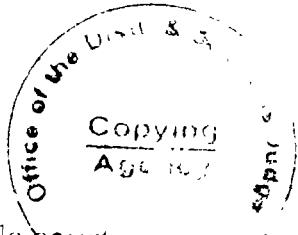
ATTESTED
[Signature]

Superintendent

11 JUN 2011

(12)

65A



VIII.

Any other, further and better relief which this honorable court may deem fit and appropriate in the circumstances of the case may also be awarded.

Plaintiffs

Through

Ghulam Dastgir
Qazi Ghulam Dastgir
Advocate High Court
Office No. 1 Justice Iftikhar M Ch
Block F-8 Markaz, Islamabad.
051-2850977

Rashid Ali Khan
Advocate High Court
Rashid Ali Khan
Malik Nasir Abbas
Advocate

VERIFICATION

Verified on Oath/S.A. at Islamabad on this .2011 that the contents of plaint from para No.1 to 9 are true and correct to the best of my knowledge and belief as per the information received.

M.J.
M.J.

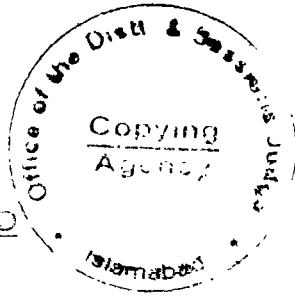
11 JUN 2011

ATTESTED
[Signature]
Superintendent
2

11 JUN 2011

(13)

66A



IN THE COURT OF SENIOR CIVIL JUDGE, ISLAMABAD

Mr. Khalid Mehmood and 2 others
Vs
Jammu & Kashmir Co-operative Housing Society, etc

SUIT FOR SPECIFIC PERFORMANCE AND PERMANENT INJUNCTION ETC

APPLICATION U/O XXXIX RULE 1&2 READ WITH
SECTION 151 CPC

Respectfully Sheweth:

1. That the applicant has filed the above captioned suit in this Honorable Court today and the contents of the same may kindly be read as an integral part of this application.
2. That the applicant has a good *prima facie* case and hope every success in the same.
3. That the balance of convenience also lies in favour of the applicant.
4. That in case the defendants is not restrained from his illegal designs, then the applicant will suffer an irreparable loss.

Decree for declaration to the effect that the plaintiffs being the legal members of the defendant no.1 society that the venue of the AGM be shifted to the Community Center in G-15 Markaz.

In the circumstances, it is, therefore, respectfully prayed that the application may kindly be accepted and direction by the defendants no.1 to shift the venue of the AGM and also restraining the defendant no.1 from claiming extra charges as gas development charges and also restraining him from doing any act or invasion over the right of the plaintiffs in any manner what so ever.

Applicants

Through

Ghulam Dasgir
(Qazi Ghulam Dasgir)
Advocate High Court
Office no. 1 Justice Iftikhar M Ch Block
F-8 Markaz, Islamabad
651-2850377

103 FEB 2011

3/2/11

Rashid Ali Khan
Advocate High Court
Rashid Ali Khan
Malik Nasir Abbas
Advocate

ATTESTED
✓
Superintendent

11 JUN 2011

(14)



IN THE COURT OF MR.IRFAN NASEEM TAI
JUDGE, ISLAMABAD

1. Khalid Mehmmod s/o Muhammad Ramzan resident of House No. 334, Street No. 12, Sector G-15/2, Islamabad.
2. Muhammad Raza s/o Piao Khan Resident of House No. 168, Street 7, Sector G-15/2, Islamabad.
3. Muhammad Iqbal s/o Ghlam Rasool resident of House No. 220, Street 10, Sector G-15/2, Islamabad.
4. Syed Tahir Husain Gillani s/o Sher Badsha Gillani resident of House No. 240 , Street 9, Sector G-15/1 Islamabad.
5. Muhammed Jamil Akhtar s/o Mina Noor Muhammed resident of House No. 465, Double road, Sector G-15/1 Islamabad.
6. Syed Aamir Husain s/o Syed Waqar Hussain resident of Flat No. 12, Block 6-A, Sector G-15/4 Islamabad.
7. Mian Ali Ameer Nadeem s/o Mian Ameer Ali resident of House No. 171, Street 8, Sector F-15/1 Islamabad.
8. Asif Razzaq S/o Abdud ul Razzaq Line no.6 B, House No.25 H, Lalazar sher Zaman Colony Rawalpindi.
9. Muhammad Sarwar Amjad s/o Inayatullah House No. 194, Street 12, Sector G-15/4 Islamabad.
10. Kanwar Tariq Mehmood s/o Ch.Abdul Rehman House No. 604, Street 25, Sector G-15/1 Islamabad.

(Plaintiffs)

VS

1. Jammu & Kashmir Co-operative Housing Society (JKCHS) G-15, Main Road. Islamabad through its Chairman.
2. Deputy Commissioner/Registrar of Co-operative Societies, Islamabad.

(Defendants)

SUIT FOR DECLARATION, PERMANENT AND MANDATORY
INJUNCTIONS

APPLICATION UNDER ORDER 6 RULES 17 READ WITH SECTION 151 OF
CPC 1908.

Respectfully Sheweth,

ATTESTED

[Signature]
Sup. in deponent

1. That the above titled lis in hand is pending for adjudication before this Hon'ble Court and next date of hearing is fixed 05-04-2011.

11 JUN 2011

(15)



2. That the above titled lis in hand was filed by the applicants for declaration and permanent Injunction, mainly challenging the venue of Annual General Meeting (AGM) of the society at Kashmir Model Town, Chakri Rawalpindi held on 13th Feb 2011 instead of its registered office at G-15 Markaz Islamabad.
3. That at the time of filing the plaint of the tilted suit some clerical mistakes were committed during drafting and some important facts of the case were also not included / mentioned in the plaint, which needs to be included for the decision of the case on merits and best interest of the justice.
4. That the defendant no. 1 advertised in the "Daily Jang" dated 27 Jan 2011 to call the Annual General Meeting (AGM) of the society at Kashmir Model Town, Chakri Rawalpindi on 13th Feb 2011 instead of its registered office at G-15 Markaz Islamabad. This act of calling AGM by the society was challenged by the applicants by filing the present suit of declaration, permanent and mandatory injunction with the application of order 39, rule 1 & 2. Initially stay was granted by this Hon, able court on 09.02.2011 till next date of hearing which was 12.02.2011 but on 12.02.2011 the subject stay was not further extended by this Hon, able court and in the result the AGM was held on 13.02.2011 at Kashmir Model Town, Chakri Rawalpindi and the minutes of the said Annual General Meeting was presented for approval before the competent authority but the applicant challenged the said approval before the Hon, able District & Session Judge Islamabad in Appeal dated 17.02.2011 who vide her order dated 01.03.2011, granted interim stay regarding the approval of said Annual General Meeting & recovery of extra charges.

In the paragraph no. 3 of the plaint the applicants want to add a Paragraph no. 3 A, as follows;

Amendment requested in paragraph 3 of the plaint;

Para No. 3-A

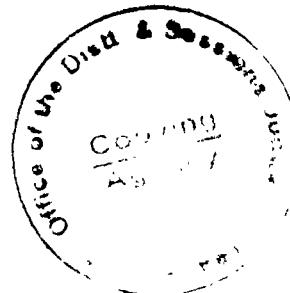
- 3. (A)** That the Annual General Meeting held at Kashmir Model Town Chakri Road Rawalpindi on 13th Feb, 2011 is illegal, malafide and against the rules and bye laws of the society which itself states in its Clause 21 that "*The Annual General Meeting shall be held at the registered address of the Society or at such place which the committee or registrar may select. After the development of the society's colony such General Meeting will be held in the premises of the society.*" Further Clause 1 (1) of the bye laws of J&KCHS says that "*the society shall be called the Jammu & Kashmir Cooperative Housing Society Ltd, Islamabad and its registered address shall be community center, Khayaban-e-Kashmir, Sector G-15, Islamabad.*"

Thus the Minutes of Annual General Meeting (AGM) dated 13th Feb, 2011 held in Kashmir Model Town Chakri Road Rawalpindi are illegal, void ab initio, having no effect over the rights of the applicants and thus shall be permanently suspended till the disposal of the case and further the venue of the AGM of the

ATTESTED
M.B.
Superintendent

11 JUN 2011

(16)



society permanently be shifted to its registered address which is the community centre G-15 Markaz Islamabad.

5. That the applicants visited the defendants offices for the redressal of their grievances and problems, as stated in the plaint, but all in vain and specially the applicants made due correspondence with the defendant no.2 and wrote several letters on different dates i.e 03.01.2011, 27.01.2011 and 31.01.2011 (enclosed with the plaint) before filing the present suit but the defendant no.2 neither paid any heed to these letters nor changed the venue of the meeting and in the result the meeting was held on 13.02.2011.

In the **paragraph no. 7** of the plaint the applicants want to add a **Paragraph no. 7 A**, as follows;

Para No. 7-A

7-A. That the applicants before filing the lis in hand wrote numerous letters to defendant no.2 dated 03.01.2011, 27.01.2011 and 31.01.2011, regarding the solution of their problems and specially for changing the venue of AGM according to by laws of the society, for which the jurisdiction vest with the defendant no.2 and thus communication between the applicants and defendant no.2 prior to filing of suit fulfilled the legal requirements as provided in section 70 of Cooperative Societies Act 1925 by making due correspondence with the defendant no.2, thus these correspondence must be considered as notice under section 70 of Cooperative Societies Act 1925.

6. That due to some clerical mistakes while drafting the suit, some important facts were not properly disclosed in the prayer of the plaint. The paragraph of prayer no.1 of the plaint is as follow;

Prayer no.1:

Decree for declaration to the effect that the plaintiffs being the legal members of the defendant no.1 society, the venue of the AGM be shifted to the Community Center in G-15 Markaz.

The applicants need the following amendment in the prayer no.1 of the plaint;

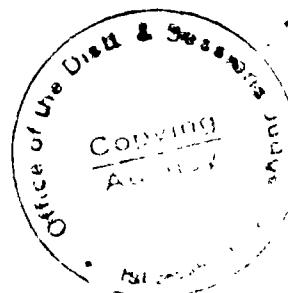
Amendment requested in prayer no.1 as **prayer no. I (A)** in the plaint;

- I. (A) Decree for declaration to the effect that the plaintiffs being the legal members of the defendant no.1 society, the minutes of Annual General Meeting (AGM) dated 13th Feb, 2011 held in Kashmir Model Town Chakri Road Rawalpindi, be declared as illegal, void ab initio, having no effect over the rights of the applicants and thus shall permanently be suspended till the disposal of the case, further a permanent injunction may please be granted in favor of the plaintiffs and against the defendant no. 1 society, restraining the defendants from holding Annual General

ATTESTED
Superintendent

11 JUN 2011.

(17)



Meetings outside registered address of the society which is Community Center G-15 Markaz.

7. That the above said amendments shall not change the complexion of the main suit.

Prayer:

In view of the above submissions it is humbly prayed that the instant application may graciously be allowed / accepted and proposed amendments in the plaint concerning may graciously be allowed for the best interest of justice.

*Gazi Ghulam Dasigir
Sarwar
Hamid Anjum*

Applicants

Through

*Gazi Ghulam Dasigir
Advocate High Court
Office No. 1 Justice Istikhar M Ch
Block F-8 Markaz, Islamabad.
051-2850977*

Rashid Ali Khan
Advocate High Court

Malik Nasir Abbas
Advocate

ATTESTED

Superintendent

11 JUN 2011

(18)



IN THE COURT OF MR.IRFAN NASEEM TARAR LEARNED CIVIL
JUDGE, ISLAMABAD

Khalid Mehmmod and 9 others.....

Applicants

Vs

1. Jammu & Kashmir Co-operative Housing Society (JKCHS)
G- 15, Main Road. Islamabad through its Chairman.
2. Deputy Commissioner/Registrar of Co-operative Societies,
Islamabad.

Respondents

SUIT FOR DECLARATION, PERMANENT AND MANDATORY
INJUNCTIONS

APPLICATION UNDER ORDER 6 RULES 17 READ WITH SECTION 151 OF
CPC 1908.

AFFIDAVIT

I, Khalid Mehmmod, do hereby solemnly affirm and declare that the facts & contents enumerated in the above titled accompanying application are true and correct to the best of my knowledge and belief and nothing has been concealed there from.

Deponent

This affidavit has been sworn
before me on this.....
day of.....20.....by the
deponent w.....Personally
known deponent.....
certified.....
have.....
and.....
depon....
and an
serial no.....

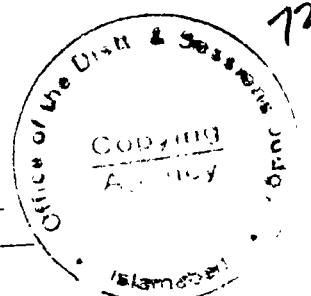
VERIFICATION

Verified on oath at Islamabad on this day of , 2011 on the solemn affirmation that the contents of the above affidavit are true and correct to the best of my knowledge and belief and nothing has been concealed.

MUHAMMAD ABDUL RAHMAN
ADVOCATE HONORABLE
OATHCOMMISSIONER
ISLAMABAD
10 APR 2011

Deponent
ATTESTED
Superintendent
11 JUN 2011

(19)



72A

1. Regd/No 3 2/
1864

2. Chittagong Dist. Court
with witness
and Signature

2. Present

Regd/No 3 2/

6. 12, 32 2 - no 65

7. 2/11 W. T. V.

on the date

Regd/No 4 2/

2. Chittagong Dist. Court

7. 2/11 W. T. V.

8. John Macnamara

ATTESTED

✓ Superintendent

11 JUN 2011

202 AGM - جو گھریں کا ایک ایسا جو جو جس کا 07/2
 تیسرا جو ایسا جو جس کا 13/2
 جو گھریں کا ایسا جو جس کا 16/2، ملکیت
 جو 9/2، جو ایسا جو جس کا 36/6، 6/6
 09/2، 3/2، جو ایسا جو جس کا 36/6

09.2.2011 Present:- Counsel for the petitioner

ORDER

Preliminary arguments on application U/O 39 Rule 1 & 2 CPC are heard and case file perused.

Summons/ notices be issued to the defendants/respondents through registered post A.D, TCS/UMS subject to deposit of process fee for 12.2.2011.

Per the annexures of the suit file the registered address of the respondent society is as; community center in G-15 Markaz Islamabad, whereas the AGM is being called by the administration at Jammu & Kashmir Co-operative Housing Society, Chakri Road Rawalpindi. The bylaws of the respondent society envisaged that the AGM is supposed to be held at the registered address of the society, hence the notice of AGM on 13.2.2011 is suspended, till further order. However, this order shall not prejudice the existing order of any other competent court or lawful forum and shall cease to exist if not specifically extended on the next date of hearing.

Announced
09.2.2011

12.2.2011 Present Counsel for the parties
ORDER

Written statements, written reply and petition U/O VII Rule 11 CPC are filed on behalf of the defendant/respondent.

Arguments of the respective sides for extension of ad interim injunction order dated 09.2.2011 are heard and record perused.

The section 21 of bylaws of the respondent society is showing that the management committee of registered Co-Operative Housing Society, may fix the venue of annual general meeting with their mutual consent. Apart from this the mandatory notices of section 70-A of Co-operative Society Act. 1925 is not available on the file of the petitioners as well. Keeping in view the urgency of the matter in issue especially when the petitioners have not sought the relief of permanent injunction in the main suit regarding the adjournment of AGM, the ad interim injunction order dated 09.2.2011 is not extended. To come up for argument on petition and written reply of petition U/O VII Rule 11 CPC on 03.3.2011

Announced
09.2.2011

ATTESTED
S:

(Muhammad Irfan Naseem Tarar)
Civil Judge 1st Class,
Islamabad

11 JUN 2011

(21)

74A



خالد عومني في جميع الأحوال

رخصة 2/3

صادر عن

جامعة مصر للعلوم والتكنولوجيا

جامعة مصر
للتكنولوجيا

جامعة مصر للعلوم والتكنولوجيا

M. D. Deshpande
Date: 11 Jun 2011

ATTESTED

S. S. S.

11 JUN 2011

(22)

۲۵۸

جیلگیری مکانیزه شرکت ۲۵-۴۰۰

و گلپار ۱۱۰ هکتار مساحت

کوچک ۱۷-۱۲-۳۱/۱، ۳۱/۲

۲۷ هکتاری بیانی و تراویث

پ

بیانی ریزی ۲۷ $\frac{4}{11}$

ویلکو سایپا ۱۱ هکتار

ویلکو ۱۱/۳۵-۱۱ هکتار

ویلکو ۱۱/۳۵-۱۱ هکتار (۱۱.۰۰)

پ کمترین ۰۳ $\frac{5}{11}$ هکتار

پ کمترین ۰۳ $\frac{05}{11}$

۰۴ $\frac{05}{11}$ هکتار

۰۴ $\frac{05}{11}$ هکتار

ATTTESTED

11 NOV 2011 S.C. *[Signature]*

خالد بن سعيد

(23)

76A

Office of the Diet & 30500

كتاب شهاده 04-5-11

فروع دارفور

6-17 نیویورک / پرچم و ملکہ
14-5-11

كتاب شهاده 07-5-11

کانکریکٹ ونڈ
14-5-11

2.

كتاب شهاده

14-5-11

6-17 نیویورک / پرچم و ملکہ

30-5-11

كتاب شهاده

كتاب شهاده 30-5-11

6-17 نیویورک / پرچم و ملکہ
14-5-11

12240
10-6-11
11-6-11

P-17
17x2x34
34+1x35
3x5

ATTESTED TO BE TRUE CO.

S. M. Suleman
District Court & Sessions Court
Islamabad - Authorised of
No. 78 in the Evidence Lab

11 JUN 2011

Signature
11-6-11

19

24

11/0

IN THE ISLAMBAD HIGH COURT ISLAMABAD

RAZA MUHAMMAD & OTHERS

VS

JAMMU & KASHMIR HOUSING SOCIETY & OTHERS

APPLICATION UNDER ORDER 39 RULE 1 & 2 READ WITH SECTION 151 C.P.C

WRITTEN REPLY

RESPECTFULLY SHEWETH ,

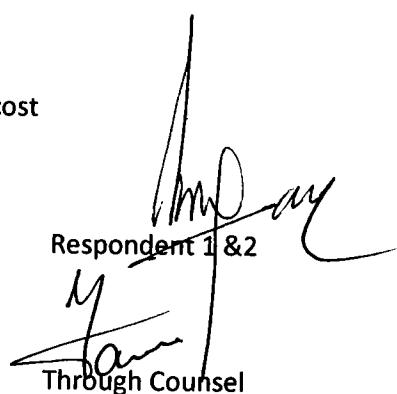
Para 1 is formal

Para 2 false petitioner has no case at all and the contents of written comments be taken as integral part of this reply

Applicant has concealed from this honorable court that petitioners have already filed suit against respondents which is pending in the court of **Mr Irfan Nasim Tarar** learned Civil Judge Islamabad application is liable to be dismissed even on this single score

PRAAYER

It is respectfully prayed that application may be dismissed with heavy cost


Respondent 1 & 2

M. Irfan
Through Counsel

25

78¹⁰

IN THE ISLAMBAD HIGH COURT ISLAMABAD

RAZA MUHAMMAD & OTHERS

13
17
16
16/21

VS

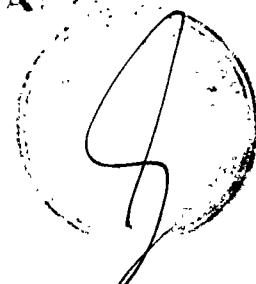
JAMMU & KASHMIR HOUSING SOCIETY & OTHERS

COUNTER AFFIDAVIT

I Muhammad Fiaz Awan general secretary Jammu & Kashmir housing society do hereby solemnly affirm that contents of writ petition are false and contents of written comments are true and correct

It is further affirmed that content of written comments are true and correct and contents of instant writ petition are false and incorrect

ATTESTED



16 JUN 2014

PG 16
16
Shahid
Atta
Omar
Court
16/21
Deponent

M. F. Awan
Deponent

جھوں لکھنواری
16 جون 1961

وکالت نامہ

بعدالت جناب اسلام آبادی کورٹ اسلام آباد

منجانب

حکم راضا مسٹر ورنبرگ بنام جھوں لکھنواری موسسہ ونیرہ

دھوئے یا جنم 1777 No. P.L. باعث تحریر آنکھ

مندرجہ بالا عنوان میں اپنی طرف سے پیروی و جوابدی مقام وکالت نامہ اسلام آباد ملٹکورٹ سے
طارق جھوڈھڑواں اور مقدمہ میں مقرر کیا ہے کہ میں ہر پیشی پر خود یا ذریعہ مختار خاص روپ و عدالت
حاضر ہوتا ہوں گا اور وقت پکارے جانے والے کل صاحب موصوف کو اطلاع دے کر حاضر کروں گا۔ اگر کسی پیشی پر مظہر حاضر نہ ہو تو اور
غیر حاضری کی وجہ سے کسی طور پر مقدمہ میرے خلاف ہو گیا تو صاحب موصوف اس کے کسی طرح ذمہ دار نہ ہوں گے۔ نیز کل صاحب
موصوف صدر مقام کپھری کے علاوہ کسی اور جگہ یا کپھری کے مقرر و اوقات سے پہلے یا بروز قابلیت پر کیجئے مجاز نہ ہوں گے اگر مقدمہ
کپھری کے کسی اور جگہ ساعت ہونے پر یا بروز کپھری کے اوقات کے آگے یا پیچے ہونے پر مظہر کو کوئی نقصان پہنچ تو ذمہ دار یا اس کے
واسطے کسی معاوضہ ادا کرنے مختار نامہ واپس کرنے کے لئے صاحب موصوف ذمہ دار نہ ہوں گے۔ مجھے کل ساختہ پرواختہ صاحب مثل کردہ
ذات خود منظور و قبول ہو گا اور صاحب موصوف کو عرضی دعویٰ اور درخواست اجرائے ذگری و نظر ثانی اپیل مگر انی وائز کرنے نیز ہر قسم کی
درخواست پر تحفظ تصدیق کرنے کا بھی اختیار ہو گا۔ اور کسی حکم یا ذگری کے اجراء کرنے اور ہر قسم کا روپیہ وصول کرنے اور رسید دینے
اوہ داخل کرنے کا ہر قسم کا میان دینے اور پرداشی و راضی نامہ۔ فیصلہ برخلاف کرنے و اقبال دعویٰ کا اختیار ہو گا اور بھورت اپیل و
برآمدگی مقدمہ یا منسوخی بگری یک طرف درخواست حکم اقتاعی یا ذگری یا ذگری قبل از فیصلہ اجرائے ذگری بھی صاحب موصوف کو
بڑھ کر اپنی علیحدہ پیروی مختار نامہ کرنے کا بھت ہو گا اور بھورت ضرورت اپیل یا اپیل کے واسطے کسی دوسرے وکیل یا میر سڑکو
جائے اپنے ہمراہ مقرر کریں اور ایسے مشیر قانونی کو بھی اس امر میں وہی اختیارات حاصل ہوں گے جیسے صاحب موصوف کو
پوری فیض تاریخ پیشی سے پہلے اوانہ کروں گا تو صاحب کو پورا اختیار ہو گا کہ مقدمہ کی پیروی نہ کریں اور ایسی حالت میں میرا مطالبات
صاحب موصوف کے برخلاف نہیں ہو گا۔ لہذا مختار نامہ لکھ دیا ہے کہ مندرجہ
ضمون مختار نامہ سن لیا ہے اور اچھی طرح سمجھ لیا ہے اور منظور ہے۔

Accepted مورخ 20

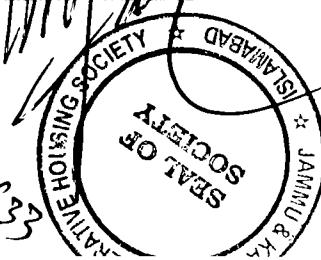
H. No 800

G-1016 C-72 L-7

15 Landes

C.C No 998

0333-5506934

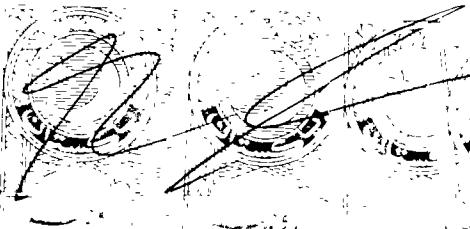


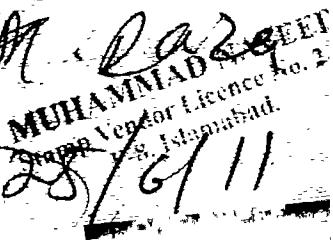
LC 7855-11go^o

ISLAMABAD HIGH COURT
ISLAMABAD

Application for which should be submitted to before 11 am and will be the judge appointed to the class on the day the application is presented.

The application may however be specially requested and the reasons for the request stated be submitted for orders on the day of presentation in no case however will an application received after 11 am be submitted for orders on the day of presentation.




MUHAMMAD RAZA
Senior Venoar Justice
Islamabad
6/11

THE DEPUTY REGISTRAR
ISLAMABAD HIGH COURT
ISLAMABAD

27-06-2011
Riaz Ahmed Khan

OM 1796-11

Title Case in WP 1777-11

Muhammad Raza

Petitioner

Appellate

Versus

SB II

Jammu & Kashmir Cooperative Society Respondent & others

Sir,

Will you kindly treat the accompanying petition as an urgent one in accordance with the Provision of Rule 9, Chapter 3-A, Rules and Orders of the High Court Islamabad Volume V.

The Grounds of Urgency are :-

Stay Matter

Kindly fix it for 27-6-2011

Your Obedient Servant

Gh Dastgir

Qazi Ghulam Dastgir

Advocate High Court
Islamabad

Tel: 051 2850977

5142
25/6/11

IN THE ISLAMABAD HIGH COURT ISLAMABAD

81^o
C.M.No. 1777/2011
In
W. No. 1777/2011

1. Muhammad Raza s/o Piao Khan Resident of House No. 168, Street 7, Sector G-15/2, Islamabad.
2. Muhammad Iqbal s/o Ghulam Rasool Resident of House no.220, Street no.10, Sector G-15/2 Islamabad.

(Petitioners)

VS

1. Jammu & Kashmir Co-operative Housing Society (JKCHS) G-15, Main Road. Islamabad through its Chairman.
2. General Secretary, Jammu & Kashmir Co-operative Housing Society (JKCHS) G-15, Main Road. Islamabad.
3. Deputy Commissioner/Registrar of Co-operative Department, ICT Islamabad.
4. Capital Development Authority through its Chairman, CDA Head Quarters, G-7, Islamabad.

(Respondents)

**WRIT PETITION UNDER ARTICLE 199 OF THE CONSTITUTION OF
ISLAMIC REPUBLIC OF PAKISTAN**

**APPLICATION UNDER SECTION 151 OF CPC, ON BEHALF OF
PETITIONERS**

Respectfully sheweth:

1. That the above mentioned Writ Petition with application under order 39 Rule 1 & 2, is pending adjudication in the this Honorable Court and was fixed for hearing on 03-06-2011.
2. That the Honorable Court after admitting the writ petition ordered for filing of comments from respondents within fortnight.
3. That the respondent Society with the respondent no. 2 & 3 are converting the open spaces which is public property and legally can not be converted into residential/commercial plots but the respondent society is constructing the buildings on the public open spaces on the above stated areas/plots in to commercial areas which is violation of CDA Rules. (Rule 2.36 of CDA Residential Sectors Zoning (Building Control) Regulation 1993), therefore the respondents must be restrained from this illegality through application of interim relief already filed with the writ petition.

5142
25/6/11

82

4. That the same nature of writ no.1176/2011 with the title Dr. Muhammad Aslam Khaki VS National Police Foundation etc. is pending adjudication before Chief Justice of this Hon, able Court which is filed by the petitioner for restraining the respondents for the conversion of Public parks and green area situated in Sector E-11, National Police Foundation Islamabad. On CM.No.2/2011, as an integral part of the above stated writ petition, the Hon, able Chief Justice restrained the respondents from construction on the declared parks and green areas earlier embarked as public parks and green area, till the next date of hearing. (Copy of order sheet dated 20.04.2011 is attached as Annex A).
5. That considering the same facts and issued involved in the above stated writ petition this Hon, able court may very graciously be pleased to restrain the respondent society from constructing the buildings on the public open spaces on the public areas/plots in to commercial/residential plots.
6. That the respondent society may be directed to abstain from making such encroachments/allotments in green and open areas or in parks or in any other public places by converting its use other than specified in the first approved plan of their housing scheme.
7. The matter in hand is very important and the interest of the whole residents of the Jammu & Kashmir Cooperative Housing Society G-15 and its other Sectors is involved in this matter and needs immediate consideration by this Hon'ble court. Therefore if the respondent society is not restrained from conversion of public open spaces in to commercial and residential plots, the petitioner will sustain irreparable loss.



Prayer:

In view of the above circumstances it is, therefore prayed that keeping in view the Writ Petition No. 1176/2011 along with C.M no.2/2011, this Hon, able Court may kindly restrained the respondent society from conversion of public open spaces in to commercial and residential plots. It is further prayed the respondents must be restrained by this Hon' able court from the illegal construction over the open spaces which is the conversion/deviation from the original layout plan approved by CDA, respondent no.4 for JKCHS G-15 Islamabad.

Any other relief which this Hon, able Court may deem fit and proper may also be granted.

[Handwritten signature]
Through

Gh Dastgir
Qazi Ghulam Dastgir
Advocate High Court
Office No. 1 Justice Iftikhar M Ch
Block F-8 Markaz, Islamabad.
051-2850977

Certificate: It is certified that as per information furnished by the client the contents of this application are true and correct.

Gh Dastgir
Counsel

83⁰

IN THE ISLAMABAD HIGH COURT ISLAMABAD

C.M.No. 1774 /2011
In
W. No. 1777/2011

1. Muhammad Raza s/o Piao Khan Resident of House No. 168, Street 7, Sector G-15/2, Islamabad.
2. Muhammad Iqbal s/o Ghulam Rasool Resident of House no.220, Street no.10, Sector G-15/2 Islamabad.

(Petitioners)

VS

Jammu & Kashmir Co-operative Housing Society (JKCHS) G-15, Main Road. Islamabad & 3 others

.....Respondents

**WRIT PETITION UNDER ARTICLE 199 OF THE CONSTITUTION OF
ISLAMIC REPUBLIC OF PAKISTAN 1973**

PETITION UNDER SECTION 151 CPC, ON BEHALF OF PETITIONERS

Affidavit



I, Muhammad Raza s/o Piao Khan Resident of House No. 168, Street 7, Sector G-15/2, Islamabad, do hereby solemnly affirm and declare as under:

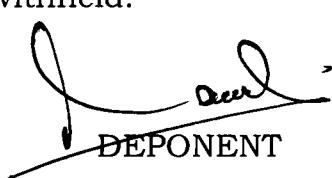
That content of the annexed petition are true and correct to the best of my knowledge and belief and nothing material has been concealed or withheld.


DEPONENT

Verified on oath at Islamabad on this 23 June, 2011 that contents of the above affidavit are true and correct to the best of my knowledge and belief and nothing material has been concealed or withheld.

This Affidavit has been taken before me and I declare that the person who signed it has done so by his own free will and that he is aware of the consequences of his statement.
I am a Notary Public and the date and place where this affidavit was taken is as follows:
Signature of Notary Public
A. A. Khan
Notary Commissioner
Islamabad

23 JUN 2011


DEPONENT

84-0
12/10/14
21/11/14

IN THE HONORABLE ISLAMABAD HIGH COURT, ISLAMABAD

(WRIT PETITION NO. 1777/2011)

Muhammad Raza

Versus

HEAD REGIST. No. 3363
Diary No. 09-11 Petitioners
Date 27-09-11

Jammu & Kashmir Co-operative Housing Society

Respondents

**REPORT AND PARAWISE COMMENTS ON BEHALF OF RESPONDANT NO. 4
CAPITAL DEVELOPMENT AUTHORITY (CDA)**

REPORT

As per ICT (Zoning) Regulation 1992, Islamabad Capital Territory (ICT) has been divided into Five Zones. Two Zones out of Five Zones, i.e Zone-2 and Zone-5 have been earmarked for development of Housing Schemes by the Private Sector i.e Co-operative Housing Societies/Private Limited Companies. Such private schemes are also allowed in Sector E-11, Islamabad. ICT (Zoning) Regulation 1992 and the Modalities and Procedures framed thereunder for development of private housing schemes empowers CDA to regulate Planning and Development of Private Housing Schemes in Zone-2 and Zone-5 of the ICT. Two tier approvals of private schemes are granted by CDA. In the first step Layout Plans are approved then on completion of subsequent formalities, the No Objection Certificates for development of schemes are issued.

2. Deputy Commissioner/Registrar, Cooperative Societies, Islamabad Capital Territory Administration (ICT), Islamabad, is responsible for Registration, Admin Affairs, Financial Matters, Elections, Holding of Annual General Meetings (AGMs), Annual Audit, etc. of Co-operative Housing Societies, whereas CDA regulates the Planning and Development of the Housing Schemes launched by such Societies.

3. CDA approved the Layout Plan of Jammu & Kashmir Co-operative Housing Scheme in Sectors G-15/F-15, Zone-2, Islamabad, sponsored by M/s Jammu & Kashmir Co-operative Housing Society on 25-4-2002, subject to conditions mentioned in the approval letter (**Annex-I**). The Scheme comprises of an area measuring 3,482 Kanals having 2,516 residential plots of different sizes. Copy of approved Layout Plan is at **Annex-II**. No Objection for Development (NOC) of this Housing Scheme was issued by CDA on 13-5-2004 subject to conditions mentioned in the NOC letter (**Annex-III**). The due date of Completion of Development Works is 13-5-2011. However, the scheme has not yet been completely developed and notice has been issued by CDA.

4. The Society has submitted Revised Layout Plan of the Scheme for approval to CDA, which is under process. The observations of the Authority on this plan have been conveyed to the sponsors of the scheme (**Annex-IV**).

45

PARAWISE COMMENTS

- Para-1** Para-1 is correct.
- Para-2** Para-2 does not pertain to the CDA and is related to responded No.3, i.e. Deputy Commissioner/Registrar Co-operative Societies, ICT, Islamabad.
- Para-3** Para-3 is correct.
- Para-4** Para 4 is correct to the extent that Layout Plan of Khayaban-e-Kashmir-I Housing Scheme in Sectors G-15 & F-15 sponsored by Jammu & Kashmir Co-operative Housing Society was approved by CDA on 25-4-2002. During the course of Development of the scheme some changes in the Layout Plan have been made by the Society for which they have submitted Revised Layout Plan of the scheme which is under process in CDA.
- Para-5** Para-5 is correct to the extent that some changes have been made by the Society in the approved Layout Plan of the scheme, at some points. The Open Space/Public Parks have been changed with Residential Plots. The size of School Plot has been reduced and replaced with Commercial Plots. The areas reserved for Library and Health Centre in the approved Layout Plan have also been changed with Commercial Plots. The construction of Sewerage Treatment Plant (STP) has also been shifted at some other site replacing the approved site with residential plots. The Society has submitted the Revised Layout Plan incorporating the above mentioned changes which is under process in CDA.
- Para-6** Para-6 is correct to the extent that 56 Kanals land was allocated for graveyard in approved Layout Plan of the scheme. However, this area has not yet been demarcated/developed at site and the Graveyard is not readily available for the residents of the scheme. The development period of the scheme is valid upto 13-5-2011.
- Para-7** Para-7 does not pertain to CDA and is relevant to Responded No.3.
- Para-8** Para-8 is denied. The building plans of individual buildings in the Private Housing Schemes are approved by the concerned Co-operative Housing Societies. However, they are bound to abide by the CDA Building Bye-Laws.
- Para-9** Para-9 is correct to the extent that complaint of Air Commodore (Retd.) Akhtar Nawaz Khan, regarding Khayaban-e-Kashmir-I Housing Scheme in Sector G-15/F-15, Islamabad, was conveyed to the Management of the Society with the advice to explain the position of the Society on 13-4-2011 (**Annex-V**). The site of scheme was also visited by officials of CDA on

Q6/

20-4-2011. The issues raised by the complainants were also conveyed and discussed with the Management of the Society in a meeting in CDA on 05-5-2011. They were committed to redress grievances of the complainants. The Society has been again advised, on 29-6-2011, to redress the grievances of the residents of the scheme and submit Compliance Report to CDA (**Annex-VI**). The said report is still awaited.

Para-10 Para-10 is correct to extent that the society has made deviations from the approved Layout Plan. However, the Society has submitted Revised Layout of scheme incorporating the said changes which is under processes in CDA and observation of the Authority have been conveyed to the Society (**Annex-IV**). Moreover, the position is explained at Para-8.

GROUND ON FACTS

- a) Correct to the extent that the Society has made deviations from the approved Layout Plan. However, the Society has submitted Revised Layout of scheme incorporating the said changes which is under processes in CDA and observation of the Authority have been conveyed to the Society (**Annex-IV**).
- b) Correct
- c) Correct to the extent that 56 Kanals land was allocated for graveyard in approved Layout Plan of the scheme. However, this area has not yet been demarcated/developed at site and the Graveyard is not readily available for the residents of the scheme.
- d) Correct to the extent that conversion of landuses prior to the approval of the Authority is illegal.
- e) The building plans of individual buildings in the Private Housing Schemes are not submitted in CDA for approval. However, the sponsors are bound to abide by CDA Building Bye-Laws.
- f) This does not pertain to CDA and is relevant to Respondent No. 3
- g) Legal

In the light of above facts, it is respectfully prayed that CDA may kindly be deleted from the petition.

ASHIQ ALI GHORI
Director (Housing Societies)
Planning Wing, CDA
Islamabad

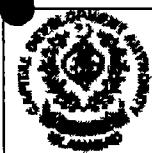
Respondent CDA

M/R/S Through

Legal Advisor, CDA

ANNEX-VI

REGISTERED



**CAPITAL DEVELOPMENT AUTHORITY
PLANNING WING
(Directorate of Housing Societies)**



No. CDA/PLW-HS(90)JKCHS/93/Complts/682

Islamabad, 29th June, 2011

Mr. Muhammad Fayyaz Ahmad Awan,
Secretary, Jammu & Kashmir Cooperative Housing Society,
Community Building, Sector G-15, Post Office Chishtiaan Abad, Islamabad

Subject: - COMPLAINTS OF RESIDENTS OF KHAYABAN-E-KASHMIR-I HOUSING SCHEME, SECTOR G-15, ISLAMABAD

I directed to refer to this office letter No. No. CDA/PLW-HS(90)JKCHS/93/ Complts/ 348, dated 13-4-2011, wherein copy of the complaint of Air Commodore (Retd.) Akhtar Nawaz Khan, regarding Khayaban-e-Kashmir-I Housing Scheme in Sector G-15/F-15, Islamabad, were conveyed to you with the advice to explain the position of the Society within 15 days. However, the Society didn't respond. Later on Mr. Salim Jahangir Mirza, Ex-DG (Establishment) filed similar complains to the Chairman, CDA (copy enclosed).

2. The issues raised by the complainants were also conveyed and discussed with the management of the Society on 05-5-2011 in the office of DG (Planning), CDA. You were committed to readdress grievances of the complainants. However after laps of about two more months, the noting has been hared from of the Society.

3. It is again advised to redress the grievances of the residents of the scheme on the following issues and submit compliance report to this office within 15 days without fail.

- a. Non-availability of graveyard
- b. Non-construction of Sewerage Treatment Plant (STP)
- c. Construction of Ground+5 Storey Commercial Plazas in G/15 Markaz
- d. Creation of Commercial Plots in school site in G-15 Markaz
- e. Conversion of Amenities Plots like Health Centre, Post Office, Telephone and Telegraph, Guest House in G-15 Markaz, into Commercial.

(ASHIQ ALI GHORI)
Director Housing Societies

Copy to:-

1. DG (Planning), CDA
2. Deputy Commissioner/Registrar Co-operative Societies ICT, F-8 Markaz, Islamabad
3. P.S. to Member (P&D), CDA.
4. Main File (latest volume).
5. Master File.

Director Housing Societies

AN EX-V

REGISTERED

-55
88-



No. CDA/PLW-HS(90)JKCHS/93/Complts/ 3618

Islamabad, 13th April, 2011

Mr. Muhammad Fayyaz Ahmad Awan,
Secretary, Jammu & Kashmir Cooperative Housing Society,
Community Building, Sector G-15,
G.T Road (Ternole Side), Islamabad

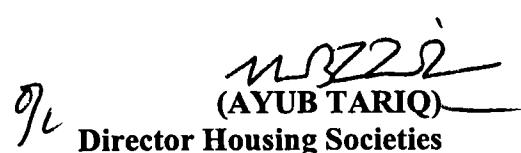
**Subject: - VIOLATIONS OF CDA LAWS, RULES AND APPROVED
LAYOUT PLAN IN G-15/F (KHAYABAN-E-KASHMIR),
ISLAMABAD**

Please find enclosed herewith copy of the complaint of Air Commodore (Retd.) Akhtar Nawaz Khan, House No. 186, Jammu & Kashmir Housing Scheme, Sector F/15-1, Islamabad, regarding the allegation leveled against the management of M/s J&KCHS regarding Khayaban-e-Kashmir-I Housing Scheme in Sector G-15/F-15, Zone-2, Islamabad.

2. I am directed to advise you to explain the position regarding the following points:

- a. That, no piece of land has been earmarked for graveyard so far despite consistent requests by the residents to the management of J&K CHS.
- b. Deviation from approved Layout Plan by CDA including creation of new plots and allotting these to selected people without going through the process of auction, thus is depriving the Society of a handsome return.
- c. Despite provide in the Layout Plan, a Sewerage Treatment Plant (STP) has not been built in the Society. The sewerage is released in the open, which cases unhygienic environment ant could be a potential source of various diseases.
- d. Construction of ground plus 5-storey plazas in G/15 Markaz as against the CDA Rules, and that the flats/shops are being transferred without completion of building.
- e. Management of the Society has delineated 6 commercial plots along one side of the school plot in G-15 Markaz

3. Your reply should reach undersigned within 15 days positively, otherwise CDA would be constrained to initiate action, under ICT (Zoning) Regulation 1992, for violating approved Layout Plan and terms and condition of the NOC.


91
 (AYUB TARIQ)
 Director Housing Societies

Copy to:-

1. DG (Planning), CDA

- 56
89-1
2. Deputy Commissioner/Registrar Co-operative Societies ICT, F-8
Markaz, Islamabad
(Copy of the Complaint is enclosed for appropriate action regarding allegations pertaining to your office)
 3. Air Commodore (r) Akhtar Nawaz Khan, House No. 186,
Sector F/15-1, Jammu & Kashmir Housing Scheme, **Islamabad**
 4. P.S. to Member (P&D), CDA.
 5. Main File (latest volume).
 6. Master File.

m322
Director Housing Societies

~~ACB~~
FINAL NOTICE
REGISTERED ~~95~~

CAPITAL DEVELOPMENT AUTHORITY
PLANNING WING
(Directorate of Housing Societies)



No. CDA/PLW-HS(90)JKCHS/ Ext/09/277

Islamabad, 17th March , 2011

Mr. Muhammad Fayyaz Ahmed Awan,
General Secretary,
Jammu & Kashmir Co-operative Housing Society,
Community Centre, Khayaban-e-Kashmir-I,
Sector G-15, GT. Road, Ternole Side, Islamabad

Subject:- **FINAL NOTICE - REQUEST FOR APPROVAL OF
REVISED LAYOUT PLAN OF KHAYABAN-E-KASHMIR-I
HOUSING SCHEME IN SECTORS G-15/F-15, ZONE-2,
ISLAMABAD**

- Ref:-
- i. This office letter No. No. CDA/PLW-HS(90)JKCHS/Ext/09/51, dated 13-01-2011, on the subject noted above.
 - ii. This office letter No. No. CDA/PLW-HS(90)JKCHS/Ext/09/197, dated 24-02-2011, on the subject noted above.

I am directed to inform that your request for approval of Revised Layout Plan of Khayaban-e-Kashmir-I Housing Scheme in Sectors G-15/F-15, Zone-2, Islamabad, has been examined in the Authority. Following are the observations in this case:

- i. The Planning Standards for Landuse Distribution is not in accordance with the CDA Modalities and Procedures.
- ii. The justifications for changes made in the approved Layout Plan may be provided.
- iii. The boundaries of the Revised Plan are not corresponding with the earlier approved Layout Plan.
- iv. Outer dimensions of the scheme area are not given.
- v. The detailed dimensions of Non-residential uses are not given, as indicated in earlier Approved Layout Plan.
- vi. The residential development has been proposed in the Mauve Area provided in the earlier approved plan. This Mauve Area has been mortgaged with CDA as a guarantee for timely development of the scheme. The Mortgaged Area has not yet been released by CDA. You cannot change the status/use of the Mortgaged Area.

viii. The Scrutiny Fee @ of Rs. 500/- per Kanal, i.e. Rs. 17,41,310/- has not been deposited.

viii. If this Revised Layout Plan is approved by CDA new Transfer Deed/Mortgage Deeds have to be executed in favour of CDA, canceling the previous ones, as the land under Roads, Open Spaces/Parks, and Graveyard and the position of the Mortgage Plots has been changed.

2. It is requested to address the above observations and submit requisite documents/plan/fee after rectifications within 15 days, otherwise it would be assumed that you are not serious in the planning & development of your scheme. In this case CDA would be constrained to initiate action against the Society for violating approved Layout Plan of the scheme under ICT Zoning Regulations, 1992.

m322
(AYUB TARIQ)
Director Housing Societies

Copy to:

1. DG (Planning), CDA.
2. Deputy Commissioner/Registrar Co-operative Societies, ICT, F-8 Markaz, Islamabad
3. Circle Registrar Co-operative Societies Department, ICT, F-8 Markaz, Islamabad
4. P.S. to Member (P&D), CDA.
5. Master File.

m322
Director Housing Societies

LANDUSE ANALYSIS
(as per Revised Plan assessed by CDA)

Sr. No.	Landuses	Area (Kanals)	% age	CDA Standards
1.	Residential Plots	1652.96	52.57	Max. 55 %
2.	Residential Apartments/Flats	.18.93	0.60	
3.	Commercial	91.00	2.89	Max. 5 %
4.	Amenities	93.59	2.98	Min. 4%
5.	Parks/Green	135.00	4.29	Min. 8%
6.	Grave Yard	42.00	1.34	Min. 2%
7.	Roads	1110.94	35.33	Min. 26%
Sub-Total		3144.42	100.00	-
8.	Area under ROW of Principal Road G-15/F-15 (600' wide)	338.20	-	-
Grand Total		3482.62		-

CHANGES MADE IN THE APPROVED LAYOUT PLANSector F-15

Sr. No.	Location/ Reference	Approved Landuse	Changed Landuse
1.	Street No. 1	Park	Residential Plots
2.	Street No. 4	Green Area	Residential Plots
3.	Street No. 5	Residential Plots	Green Area
4.	60 Feet Wide Road.	Park	Masjid
5.		Park	Residential Plots
6.		Masjid	Commercial
7.		Primary School	Schools and Play Ground.
8.	150 Feet Wide Road	Green Area	Residential Plots

Sector G-15

Sr. No.	Location/ Reference	Approved Landuse	Changed Landuse
1.	Street No. 01	Park	Apartments
2.		Graveyard	Residential Plots
3.	Civic/Commercial Centre	School Site (partly)	Commercial
4.		Amenities Plots like Health Centre, Post Office, Telephone and Telegraph, Guest House	Commercial
5.		Park	Commercial
6.	Street No. 41	Park	Residential Plot Library and Commercial.
7.		Nullah	Nullah with Changed Alignment

A 70 Feet Wide Service Road approved in the Layout Plan has been deleted in the Revised Plan.

The ROW of Nullahs, which was previously 50 feet, has been reduced and not properly marked.

REGISTERED

a/c

**CAPITAL DEVELOPMENT AUTHORITY
(PLANNING WING)**

No.CDA/PLW-UP(90)/JKCHS/93/ Islamabad, May 2004.

To

**Mr. Abdul Latif Qureshi,
Secretary,
Jammu & Kashmir Cooperative Housing Society Ltd.,
Flat # 3, (2nd Floor), Block # 16,
Near Petrol Pump, G-7 Markaz,
Islamabad.**

SUBJECT: NO OBJECTION CERTIFICATE FOR "KHAYABAN-E-KASHMIR PRIVATE HOUSING SCHEME FLOATED BY JAMMU & KASHMIR COOPERATIVE HOUSING SOCIETY IN SECTOR G-15 & F-15, ZONE-II, ISLAMABAD.

I am to inform you that since you have complied with the instructions contained in the Authority's letter dated 25-04-2002, CDA has been pleased to approve your detailed layout plan of the housing scheme, namely "Khayaban-e-Kashmir Private Housing Scheme" sponsored by your company on land measuring 3482.62 kanals comprising khasra Nos.137, 138/2, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148/2, 166/2, 167, 168, 169, 170, 171, 172, 173, 174/2, 176/2, 177, 178, 179, 180, 181, 182, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 286, 287, 288, 289, 291, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 307, 308, 309, 310, 312, 317, 318, 319, 320, 321, 322, 323/2, 324, 325, 326, 327, 328/2, 330/2, 635/2, 640, 641, 643, 646, 1845/1825/182/2, "JHANGI SYEDDAN", 1299, 1300, 1301, 1317, 1318, 1319, 1320, 1321, 1322, 1323, 1324, 1325, 1326, 1332, 1334, 1518, 1525, 1526, 1527, 1528, 1529, 1530, 1533, 1534, 1535, 1536, 1537, 1538, 1539, 1540, 1541, 1542, 1544, 1545, 1547, "BHADANA KALAN" 630, 631, 647 AND 648 "TURNOL" District Islamabad, subject to the conditions laid down in the ICT (Zoning) Regulation, 1992 and the Modalities & Procedures framed there under for development of private housing schemes in Zone-II of the Islamabad Capital Territory. A copy of the approved layout plan has already been forwarded to you on 25-04-2002. Consequently, I am to inform you that the Authority has no objection to the development and advertisement of your housing scheme

according to the approved layout plan and subject to the following conditions in particular:

- i) The scheme shall have its independent access and road, water supply and Primary Sewerage Treatment system to be developed by the Sponsors at their own cost and expense.
- ii) The sponsor shall not allocate the plots mortgaged with the CDA to any one until the same are redeemed by the Authority in favour of the sponsors.
- iii) The CDA shall not be responsible for any matter arising out of the ownership of the land or relating to the payment of price of plot(s) in the scheme or their allotment.
- iv) All the buildings to be constructed in the scheme shall be subject to the Islamabad Building Control Regulations as may be amended modified or substituted from time to time.
- v) The plots reserved for amenities and public buildings shall not be utilized by the sponsor for any purposes other than prescribed in the approved layout plan.
- vi) The sponsors shall strictly adhere to the clauses of the Mortgage Deed registered at Sr. No.1021, Book No.I, Vol. No.1338 at pages 13 to 18 dated 31-03-2003 by the Sub Registrar ICT and the Transfer Deed registered with the Joint Sub Registrar, ICT at Sr. No.1020, Book No.I, Vol. No.1338 at pages 9 to 12 dated 31-03-2003.
- vii) The sponsors shall install an activated sludge sewerage treatment plant or another modern plant for the sewerage system of the scheme at the approved location and shall ensure that the treatment of effluent of the sewerage system would be upto the WHO standards and this treated water if required will be used for irrigation purposes only within the scheme and will not be sold.
- viii) The easement of nullah (s) and prominent land features, etc., shall be clearly identified and preserved as open spaces.
- ix) The sponsors shall strictly confine the scheme within the approved area of 3482.62 kanals and no addition or alteration in the approved layout plan shall be made without the prior approval of CDA.
- x) The validity of NOC shall automatically be deemed to have been withdrawn in case the sponsors do not complete at least 10% of the development work within one year from the date of the issuance of NOC.
- xi) In your advertisement of the scheme and subsequent allotment letters, you will clearly and prominently mention that the arrangements for the supply of water to the area would be the responsibility of M/s Jammu & Kashmir Cooperative Housing Society, Islamabad and the Forum of Societies & Private Developers in Zone-II and extended areas of Islamabad and CDA would not be responsible for the same. Copies of advertisements and allotment letters would also be sent to CDA.

962
26/5

xii) The development works are to be completed within the period specified in the Modalities & Procedures framed under the ICT (Zoning) Regulation, 1992.

2. The NOC is not transferable to any person, company or society and is liable to be withdrawn/cancelled at any stage if it is found by the CDA that sponsors have violated any provision of the approved layout plan or of the ICT (Zoning) Regulation, 1992 and the Modalities and Procedures framed there under, besides, such other actions as may be permissible under the law.

3. You are advised to proceed further in the matter and submit the following documents/information within one month from the date of this letter:

- i) Detailed work schedule in respect of implementation of the scheme as per Engineering Design of the scheme and Modalities & Procedure framed under the ICT (Zoning) Regulation, 1992.
- ii) Fard Jama Bandi and attested copies of the approved mutations by the Revenue Department, Islamabad (Tehsildar, Islamabad) of the mortgaged land/plots measuring 506.40 kanals and the area transferred to CDA measuring 1431.29 kanals under roads, parks, etc. of the approved housing scheme in favour of CDA.

(M. K. PASHA)
13/5

(M. K. PASHA)
Dy. D.G. (Planning)

Copy to:

1. Director General (Environment), CDA.
2. Director General (Services), CDA.
3. Dy. D.G. (Works), CDA.
4. Director Structure, CDA.
5. Director Architecture, CDA.
6. Director Anti-Encroachment, CDA.
7. Director Environment (Urban), CDA.
8. Director Municipal Administration, CDA.
9. Director Lands & Rehabilitation, CDA.
10. Dy. Commissioner, Islamabad.

ANNEX-I

REGISTERED

93244

971

CAPITAL DEVELOPMENT AUTHORITY (PLANNING WING)

No. CDA/PLW-UP-(90)/KCHS/93/ 12 55 Islamabad, April 2002.

To,

Siraj-ul-Islam,
Executive Secretary,
Jammu & Kashmir Cooperative
Housing Society Ltd.,
Flat No. 3 (2nd floor), Block No.16,
Near Petrol Pump G-7 Markaz,
Islamabad.

**SUBJECT: LAYOUT PLAN OF "KHAYABAN-E-KASHMIR"
PRIVATE HOUSING SCHEME" FLOATED BY JAMMU
& KASHMIR COOPERATIVE HOUSING SOCIETY IN
SECTOR G-15 & F-15, ZONE-II, ISLAMABAD.**

Ref: Executive Secretary of the Society letter No. 4/2001/KK dated 7-2-2002.

Dear Sir,

I am directed to inform that the layout plan of subject mentioned Khayaban-e-Kashmir Housing Scheme comprising of total area 3482.62 kanal has been considered by the CDA Board and has been approved in its meeting held on 20-3-2002. A copy of layout plan duly signed by the undersigned is enclosed herewith for your record.

2. As provided in sub para (ii) of para 7 of Modalities and Procedures you are requested to complete the following formalities towards fulfillment of requirement for issuance of NOC.

i). Submit an undertaking as per specimen attached on non judicial paper of appropriate value regarding acceptance of the conditions relating to planning designing and implementation of the scheme within 7 days from the date of issue of letter.

Deposit the entire development cost of the scheme with the Authority. The amount of cost shall be assessed by the Authority on the basis of prevailing cost of development.

iii). In case you do not feel inclined to deposit the development cost of the scheme you are required to mortgage 30% of the saleable area in the approved detailed layout plan with the Authority as a guarantee for completing development works/services within the prescribed period. Specimen of Mortgage Deed is available as Annexure-“B” in the Modalities and Procedures booklet.

933
98c

- iv). Transfer to the Authority the land for open spaces, parks, graveyard, right of way of roads, etc. in the layout plan within 45 days w.e.f. the date of issue of this letter. Specimen of transfer deed is available as Annexure-“C” of Modalities and Procedures.
- v). A public Notice shall be published in the national dailies at your expense regarding mortgage of saleable area with the Authority within five days after Mortgage Deed has been executed. Specimen of Public Notice is available as Annexure-“D” of the Modalities and Procedures.
3. You are requested to comply with the above mentioned conditions within stipulated period so as to enable the Authority to take further action towards clause-9 of the Modalities and Procedures i.e. issuance of NOC in respect of the Khayaban-e-Kashmir Housing Scheme.
4. You are advised not to carry out any development work at site before the “NOC” of the scheme and clearance of Engineering Design of the Scheme is issued by CDA.
5. In case of failure for fulfillment of any term and conditions as mentioned above, within stipulated time, approval of layout plan is liable to be cancelled.

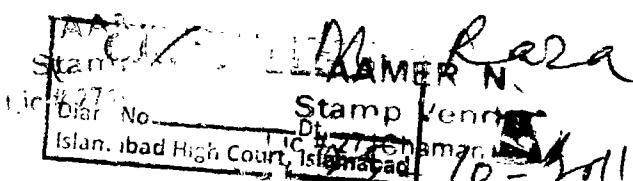
Yours faithfully,

7c (MEHBOOB ALI KHAN)
Deputy Director (UP-III)

Copy to:

1. D. G. (Environment), CDA.
2. D.G. (Services), CDA.
3. Director Enforcement, CDA.
4. Registrar Cooperative Societies/Deputy Commissioner, ICT, Islamabad.
5. Director Municipal Administration, CDA.
6. Deputy Director BCS-I, CDA.
7. Manager Muslim Commercial Bank Ltd, CDA Sectt. Branch, G-7/4, Islamabad.

IN THE ISLAMABAD HIGH COURT, ISLAMABAD



TO,

THE DEPUTY REGISTRAR
ISLAMABAD HIGH COURT
ISLAMABAD

Cm 2551-11

wf 177/11

TITLE OF CASE

Mohammed Raza s/o Piao Khan residentof H# 168, St. 7, Sector G-15/2 Islamabad & other

Petitioner(s)/applicant

27-10-2011
Riaz Ahmed Khan

VERSUS

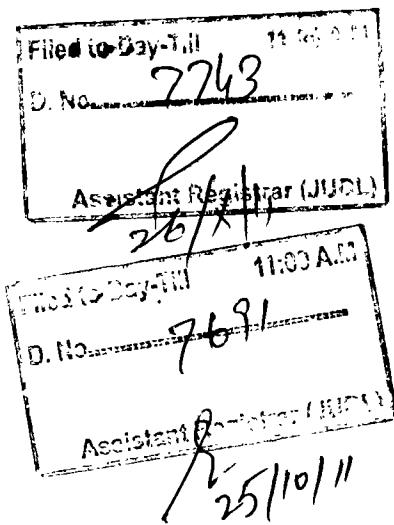
Jammu & Kashmir Co-operative Housing Society (JKCHS)G-15 Islamabad & 3 others.

Respondent(s)

Sir

Will you kindly treat the accompanying petition as an urgent one in accordance with the provision of Rule 9, Chapter 3-A Rule and Orders of the High Court Volume V.

GROUNDS OF URGENCY

It's a urgent matter about stay.Kindly fix this cm on 26-10-2011.Gh Dastgir

Name of Advocate Qazi Ghulam Dastgir
CC No. 2328
Address off. 1, Justice Iftikhar Block F-8
Markaz Islamabad
2328
Cell No. 0333 5224428

100-1

IN THE ISLAMABAD HIGH COURT ISLAMABAD

C.M.No. 1591 /2011
In
W.P No. 1777/2011

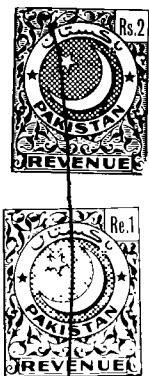
1. Muhammad Raza s/o Piao Khan Resident of House No. 168, Street 7, Sector G-15/2, Islamabad.
2. Muhammad Iqbal s/o Ghulam Rasool Resident of House no.220; Street no.10, Sector G-15/2 Islamabad.

(Petitioners)

VS

1. Jammu & Kashmir Co-operative Housing Society (JKCHS) G-15, Main Road. Islamabad through its Chairman.
2. General Secretary, Jammu & Kashmir Co-operative Housing Society (JKCHS) G-15, Main Road. Islamabad.
3. Deputy Commissioner/Registrar of Co-operative Department, ICT Islamabad.
4. Capital Development Authority through its Chairman, CDA Head Quarters, G-7, Islamabad.

(Respondents)



**WRIT PETITION UNDER ARTICLE 199 OF THE CONSTITUTION OF
ISLAMIC REPUBLIC OF PAKISTAN**

**APPLICATION UNDER SECTION 151 OF CPC, ON BEHALF OF
PETITIONERS**

Respectfully sheweth:

1. That the above title writ petition is pending adjudicating in this Honourable Court and was fixed for hearing on 3rd June, 2011 before Your Lordship.
2. That on first hearing of the above titled writ petition after hearing the petitioner version, this Hon'ble Court issued the notices to the respondents for filing of comments within fortnight.
3. That the respondents' No. 1, 2 & 4 filed the comments in the titled lis in hand and after filing of the comments from the respondents sides the writ petition of the petitioners is now ripe for arguments and it needs immediate consideration of this Honorable court to be argued and decided with out further wastage of time.

101-0

4. That after 3rd June 2011 no date of hearing has been fixed so far in the above titled writ petition which is against the judicial policy and against the natural justice.
5. That a very important matter is involved in the writ petition. The petitioners have filed application under Order 39, Rule 1 & 2 of CPC for interim relief with the writ petition for restraining the respondent no.1 from conversion of the original lay out plan approved by the CDA, respondent no.4. The respondent no.1 is converting the public open places into commercial and residential plots of the society which is not allowed by the CDA, which is evident from the comments filed by CDA, and thus is illegal and if the respondent no.1 is not restrained from deviation from original lay out plan the petitioners and all the members of the society who are the resident of the society will sustain irreparable loss. Therefore this matter is of urgent nature and need immediate consideration of this honorable court to meet the ends of justice.

PRAYER

In the view of above, it is humbly prayed that by accepting this application, this Hon, able Court may very graciously fix the above titled writ petition for early hearing as soon as possible or on any other date in the near future as this Hon, able Court may deem fit, in the best interest of justice.

Gh Dastgir

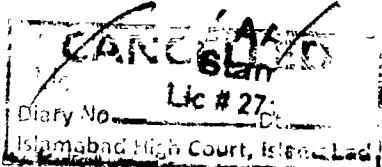
It is, therefore further prayed that keeping in view the Writ Petition No. 1777/2011 along with C.M no.2/2011, this Hon, able Court may kindly restrained the respondent society from conversion of public open spaces in to commercial and residential plots.

Any other relief may deem fit by this Hon'ble Court may also be awarded.

[Signature]
Petitioners

Through

Eh Dastgir
(Qazi Ghulam Dastgir)
Advocate High Court
2328



102

IN THE ISLAMABAD HIGH COURT ISLAMABAD

C.M.No. _____ /2011
In
W. No. 1777/2011

1. Muhammad Raza s/o Piao Khan Resident of House No. 168, Street 7, Sector G-15/2, Islamabad.
2. Muhammad Iqbal s/o Ghulam Rasool Resident of House no.220, Street no.10, Sector G-15/2 Islamabad.

(Petitioners)

VS

Jammu & Kashmir Co-operative Housing Society (JKCHS) G-15, Main Road. Islamabad & 3 others

.....**Respondents**



**WRIT PETITION UNDER ARTICLE 199 OF THE CONSTITUTION OF
ISLAMIC REPUBLIC OF PAKISTAN 1973**



PETITION UNDER SECTION 151 CPC, ON BEHALF OF PETITIONERS

Affidavit

I, Muhammad Raza s/o Piao Khan Resident of House No. 168, Street 7, Sector G-15/2, Islamabad, do hereby solemnly affirm and declare as under:

That content of the annexed petition are true and correct to the best of my knowledge and belief and nothing material has been concealed or withheld.

DEPONENT

Verified on oath at Islamabad on this 14th Oct, 2011 that contents of the above affidavit are true and correct to the best of my knowledge and belief and nothing material has been concealed or withheld.

10 -

25

Muhammad Raza

DEPONENT

Mr.

Zai Ghulam Darfuri

Advocate

DIARY NO. 7691

- 1- It is barred by _____ days
- 2- Separate application of condonation of delay under Section 5 of the Limitation Act should be filed.
- 3- Court fee is insufficient to the extent of Rs. _____.
- 4- Revenue Stamps worth Rs. 3.00 to be affixed on each non-judicial paper.
- 5- Annexure is/are insufficiently stamped to the extent of Rs. _____.
- 6- Approved File Cover to be file/ _____ Spare copies to be filed.
- 7- All Annexures, impugned order and C.M.(s) to be flagged.
- 8- Pleadings are not clear (Rule32)

103~

- i) Not legible due to cutting & correction. Please retype Page No. _____
 ii) Proper Section of Law & Classification
 iii) Verification is; (Missing) (Not Signed By party or Counsel) (Rule 33)
 ✓ Corrections and alterations are not initialed (Rule 35) Page 2

- 9- Address;
 - i. for Service of Parties is Incomplete (Rule34)
 - ii. for Service of Advocate is Incomplete (Rule 57)

- 10- Document in language other than English may be accompanied with translation in English
 - a. Translation may be certified by Advocate etc
 - b. Certificate to the effect that all documents relied are in English (Rule36)

- 11- Certified copy of the Impugned Order to be filed.

- 12-
 - i) Certificate, to the effect that no other petition (ICA/Review/Crl Org.) of the same subject matter was filed, should be appended.
 - ii) Certificate that this petition has arisen from violation/fulfillment of obligation under (Qoute LAW) and that alternate remedy provided by the law has been availed by the petitioner.

- 13- Duly Executed Power of Attorney to be filed and colorful power of Attorney is not admissible.

- 14- Typed Index is to accompany the petition. (Signature/Computer Slip Code No. of Learned Counsel Wanted)

- 15- Uncertified dim copies to be replaced with clear hand written / typed ones.

- 16- Designation of the Respondent No _____ to be quoted.

- 17- Uncertified Copies as annexure may be attested by the counsel

- 18- Application to dispense with production of certified copies of impugned Order/Annexure is to be filed.

- 19- Opening Form duly filled in/ affidavit duly attested may be filed.

- 20- Name of the Respondent Wanted As petition Relates to Contempt Proceedings..

- 21- Petition/Appeal has not been drafted by an authorized person.

- 22- One Writ Petition is not competent separate W.P.(s) may be filed for each relief.

- 23- File is not arranged according to Index/ Rules. Detail of Annexure Certified/Uncertified/Original be given in Index.

- 24- i) Certificate to be given to the effect that ground of Review exists.

- ii) Certificate that remedy of Appeal, Review and Revision of representation does not exist under the law relating to present case.

- 25- Please File it at Proper Bench

- 26- Copies to be delivered to Advocate General/Deputy Attorney General/APG

- 27- Petition is neither page marked nor Annexure marked.

- 28- Writ petition can not be entertained against a private person.

- 29- Certificate to be given on each and every better copy that compared with original and found correct.

- 30- Certified Copies of Annexures _____ to be filed.

- 31- Please deposit Rs. 500/- 100/- as advance printing charges of RFA/ICA.

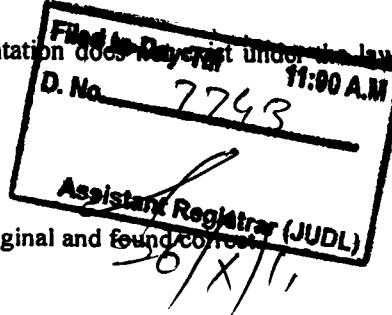
- 32- Since the Writ Petition has been decided. Present CM is not maintainable.

- 33- Photocopy of the NIC of the Plaintiff be filed.

- 34- Not entertainable in view of Full Bench Judgment (PLD-2005LHR-470)

- 35- Petitioner has no Locus Standi to file the instant petition.

- 36- A Certificate to the effect that no petition is pending or decided on the same subject by the Hon'ble Supreme Court, If there is any, Annex Copy of the Petition/Judgment/Order.



- 37- Please file separate application for each relief.

- 38- _____
- Returned with objection at Serial No(s) 6(iv), 37 above returned after removing
objection within 03 days.

[Signature] 25/10/11

ASSISTANT REGISTRAR *[Signature]* 26/10/11

[Signature] 25/10/11
DEPUTY REGISTRAR (JUDICIAL)

104/04

**MOST URGENT
OUT TODAY**

IN THE ISLAMABAD HIGH COURT, ISLAMABAD

(P 6212)

No. 10687-700 Writ.
Dated 07/06/2011

From:

The Deputy Registrar (Judicial),
Islamabad High Court,
Islamabad.

To:

The Respondents:
(Full Address)

Subject:

WRIT PETITION No. 1777

120/11

Mohammad Riaz

vs

Tamim & Kashmiri Cooperative Housing Society

Memo

Dear Sir,

I am directed to forward for information and immediate compliance a copy of this Court's order dated 3-6-11 together with the copy of writ petition with all annexure on which the said order has been passed by Mr Justice Riaz Ahmed Khan in the above noted case.

I am to add that the report and parawise comments asked for, should be clearly typed in triplicate and submitted to this Court within/ before a fortnight (FC) (A), without fail.

You are hereby directed to appear in person/ depute an official/ officer / representative well conversant with the facts of the case who should hear before this Court on (FC)(A) at 08:00 a.m. along with the recent records of the case cited above.

Yours faithfully

ASSISTANT REGISTRAR (Judicial),
For Deputy Registrar (Judicial)

Enclosed as above:

5317
19/12/11

105



وکالت نامہ

مسنول علمہ عینیہ
SUNNI VICTOR
No: 15
Court, Islamabad

بعدالت جناب اسلام آباد میں آثار ما شکور میں اسلام آباد

منجانب سسٹول علمہ برادر

حیر رضا دعڑھ بنام جمیون کشمیر کو اور سوسائٹی دعڑھ

دعوے یا جرم Writ Petition باعث تحریر آنکھ

مندرجہ بالا عنوان میں اپنی طرف سے پیر وی وجہ بندی مقام اسلام آباد حیر رضا (الآخر)

~~لائیٹننگ ائمہ رضا کے~~ بدین شرعاً، کیل مقرر کیا ہے کہ میں ہر پیشی پر خود یا زینہ مختار خاتم روہونہ، البت حاضر ہوتا رہوں کا اور وقت پندرے جنے و کیل صاحب موصوف کو اطلاع دے کر حاضر کروں گا۔ اگر کسی پیشی پر مظہر حاضر نہ ہو اور غیر حاضری کی وجہ سے کسی طور پر مقدمہ بھیرے خلاف ہو گیا تو صاحب موصوف اس کے کسی طرح ذمہ دار نہ ہوں گے۔ نیز و کیل صاحب موصوف صدر مقام پختہ کی اولاد کی اور جگہ یا پچھری کے مقررہ اوقات سے پہلے یا بعد تعطیل پیر وی کر یا مجاز نہ ہوں گے اگر مقدمہ پچھری کے کسی اور جگہ سماعحت ہوئے پر ملہوز پچھری کے اوقات کے آگے پایہ پھی ہوئے پر مقرر کو کوئی تعصان پہنچ تو ملہوز دار یا اس کے واسطے کسی معاد نہ ادا کرنے اور پس کرنے کے بھی صاحب موصوف ذمہ دار نہ ہوں گے۔ مجھے کل سانچہ پر واخت صاحب مثل کردہ ذلت خود منظور و قبول ہو کا اور صاحب موصوف کو عرضی دعویٰ اور درخواست اجرائے ذگری و نظر ثانی اچیل نگرانی دائر کرنے نیز ہر قسم کی درخواست پر دستخط تصدیق کرنا بھی اختیار ہوگا۔ اور مکمل حکم یا ذگری کے جراء کرنے اور ہر قسم کا دوپیہ وصول کرنے اور رسید دینے اور داشت کرنے کا ہر قسم کا میان دینے اور پس بکالی دی اسی نہ۔ فیصلہ برخلاف کرنے و اقبال دعویٰ کا اختیار ہو گا اور بھورت اچیل و برآمدگی مقدمہ یا مددی یا گلیک طرف درتواسٹ حکم اتنا یا ذگری یا ذگری قبل از فعلہ اجرائے ذگری بھی صاحب موصوف کو بشرط اوانیگی علیحدہ پیر وی مختار نہ کرنے کا مجاز ہو کا اور بھورت ضرورت اچیل یا اچیل کے واسطے کسی دوسرے و کیل یا پر سر کو چانے اپنے ہمراہ مقرر کریں اور ~~ایسے~~ شیر قائل کو بھی اس امر میں وہی اختیارات حاصل ہوں گے جیسے صاحب موصوف کو پوری فیض تاریخ پیش سے پہلے ادا نہ کروں کا نہ صاحب کو پورا اختیار ہو گا کہ مقررہ کی پیر وی نہ کریں اور ایسی حالت میں میرا مطالباً صاحب موصوف کے برخلاف نہیں ہو گا۔ لذا اختار نہ کر دیا ہے کہ سنارے ہے۔
مضمون مختار نہ سن لیا ہے اور انہی طرح سمجھ لیا ہے اور منظور ہے۔

حیر رضا ائمہ رضا

28 - سلم بلڈس 8- اسلام آباد

0300-5108321

العـ

Accepted

Riaz

وکل مسٹر

CvL origl 196-11

۱۰

ورث میں

می جانب چور بز

نیا گرد و بزد مکالمہ

باعث تحریر آنکه

مندرجہ بالا عنوان میں اپنی طرف سے پیردی و جلدی مقام اسلام آباد کیلئے طارق محمود حمزہ

بدیں اس طوکرے میں مفتر کیا ہے کہ میں ہر پیشی پر خود بیڈر یعنی علماً خاص برداشت و صاحب
حاضر ہو تا میرا بھولگا لار و وقت پہلے جانے وکیل صاحب موصوف کو اطلاع دے کر حاضر کروں گا۔ اگر کسی پیشی پر مفتر حاضر نہ ہو تو
غیر حاضر کی وجہ سے عکسی طور پر مقدمہ میرے خلاف ہو گیا تو صاحب موصوف اس کے کسی طرح ذمہ دار نہ ہوں گے۔ نیز وکیل صاحب
موصوف صدر و مقام پکھری کے طلاوہ کسی لور چکہ یا پکھری کے مفتر و اوتاک سے پہلے یا بعد وہ تعطیل ہجروتی کریے جائز نہ ہوں گے اگر مقدمہ
پکھری کے کسی لور چکہ ہاتھ میں ہوئے پہلے یا بعد وہ پکھری کے اوتاک کے آٹھے یا پیچے ہونے پر مفتر کو کوئی نقصان پہنچے تو ذمہ دار یا اس کے
واسطے کسی معاد نہ ادا کرنے میں کہا نامہ واہل کرنے کے بھی صاحب موصوف ذمہ دار نہ ہوں گے۔ بھی کل ساختہ پر واختہ صاحب محل کرده
ذرا بخوبی متفکر و تبول ہو گا لور صاحب موصوف کو ہر سخن و حوتی اور درخواست اجرائے ذکری و نظر ہائی اپیل ہگر انی را اڑ کرنے نیز ہر قسم کی
دور ہوائیں پر مختلط تصدیقیں کرنے کا ہی اختیار ہو گا۔ اور کسی سختم یا ذکری کے ہجراء کرنے لور ہر قسم کا ذریعہ وصول کرنے لور رسید دینے
ان وسائل کرنے کا بعد قسم کا یا لاد دینے لور پر درخواست ہم ارضی ہائی ایئر فیصلہ برخلاف کرنے و اقبال و حوتی کا اختیار ہو گا لور بھورت اپیل و
بر آمد کی مقدمہ یا مسوخی ذکری یک طرف درخواست ہم امتیازی یا ذکری یا ذکری قابل اذ فیصلہ اجرائے ذکری بھی صاحب موصوف کو
بھر ط او اسکی علاوہ بکار و نیک علاوہ ناممکن کرنے کا مجاز ہو گا اور بھورت ضرورت اپیل یا اپیل کے واسطے کسی دوسرے وکیل یا بھر ستر کو
جانے اپنے ہمراو مقرر کریں اور ایسے مشیر تالوں کو بھی اس امر میں وہی اختیارات حاصل ہوں گے جیسے صاحب موصوف کو
پوری فیض سعادت پیشی سے پہلے اونچے کروں گا تو صاحب کو پورا اختیار ہو گا کہ مقدمہ کی ہجروتی نظر کریں اور ایسی حالت میں میر امطالب
صاحب موصوف کے برخلاف نہیں ہو گا۔ لہذا اختیار نامہ لکھ دیا ہے کہ مندرجہ ہے۔

طارق محمود ناصر اپردو وکیل پاکی لورڈ

20 مارس ١٩٦٧
CC NO 998.

0333-5150633

From:

CP 1436
14459
107-0*

The Deputy Registrar (Judicial),
Islamabad High Court,
Islamabad.

No. 123 - 126 /Writ

Dated 03/01/ 2012

To,

The Respondents

(Full address)

Subject: WP/LA/ICA/Crl.Org. No. 1777 2011

Mohammad Riaz et al

JK Cite vs.
JK Cite et al

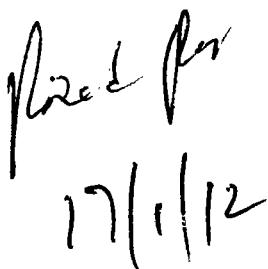
Dear Sir,

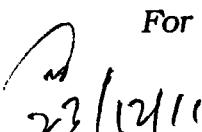
In Continuation of this Court's letter No. 10697 - 700 /Writ, Dated 07-06-2011, I am directed to forward for information and immediate compliance a copy of this Court's order dated 21-12-11 passed by Asst Justice Riaz Ahmed Khan in the case subject noted above.

Yours faithfully,



ASSISTANT REGISTRAR (Writ)
For Deputy Registrar (Judicial)


17/1/12


23/12/11

108⁰

W.P. 1777 of 2011

Muhammad Raza Vs Jammu & Kashmir Co-Operative Housing Society Etc.

Crl. Org. 196-w-11

Muhammad Raza & Others Vs. Jammu & Kashmir Co-Operative Housing Society Etc.

It is respectfully submitted that the above mentioned writ petition was fixed before the Hon'ble Mr. Justice Riaz Ahmed Khan on 24.01.2012 whereby his Lordship has been pleased to pass the following order which is reproduced below:

"Due to some personal reasons, I do not want to hear this case. Let this case be placed before the Hon'ble Chief Justice of this Court for appropriate orders.

3. Submitted for nomination of bench and appropriate orders please.

(IV) 31/1/12

Dealing Assistant

For Assistant Registrar (Writ)

Submitted for orders please.

31/1/12

Deputy Registrar (Judl.)

Submitted for placing it before
the Hon'ble Chief Justice in chamber for
nomination of Bench.

31/1/12

Addl: M/s (J)

31/1/12

H.C.J
Be placed before Mr. Justice Mohammad Awan Khan
Kasi

Dushman -
31/1/12

DR. J.
9/2/12

RECEIVED
W.RIT

109¹⁰

1+2

IN THE HONORABLE ISLAMABAD HIGH COURT, ISLAMABAD

HEAD RECEIPT CLERK

Copy No. 1852

Date - 24/2/12

(WRIT PETITION NO. 1777/2011) SP 74

Muhammad Raza

Versus

Jammu & Kashmir Co-operative Housing Society

Petitioners

Received
today
At 3:30
PM

Respondents

At 3:30
PM
25-2-12

ADDITIONAL REPLY FOR HONORABLE HIGH COURT ON BEHALF OF RESPONDANT
NO. 4, CAPITAL DEVELOPMENT AUTHORITY (CDA)

The respondent No.4, CDA under the direction of this Honorable Court has reviewed Jammu & Kashmir Cooperative Housing Scheme in Sector G-15/F-15, Zone-II, Islamabad and to submit that :-

Layout plan of the housing scheme named "Khayaban-e-Kashmir-I" over an area measuring 3482.62 kanals was approved by CDA vide letter No. CDA/PLW-UP-(90)/JKCHS/93/1284 dated 25-04-2002 (**Annex-I**) and NOC was issued vide letter No. CDA-PLW-UP-(90)/JKCHS/93/3847 dated 13-05-2004 (**Annex-II**). M/s Jammu & Kashmir Cooperative Housing Society submitted another scheme over an area measuring 991.86 Kanals which has been approved in principally vide letter No. CDA-PLW-HS(90)/JKCHS/Phase-II/2010/252 dated 09-03-2011 (**Annex-III**). The two schemes are adjacent and share the public amenities.

2. The land use plans have been approved in accordance with the Planning standards provided for Residential, Educational, Open spaces & Amenity plots etc.

Under the circumstances, it is most respectfully prayed that the Writ Petition may kindly be dismissed.

ASHIQ ALI GHORI
Director (Housing Societies)
Planning Wing, CDA
Islamabad

Respondent No. 4 CDA

Through

Legal Advisor, CDA

*Asst
Ch. Haseeb Mohamed
Adv. High Court
CDA, Islamabad.*

10
93299

REGISTERED

**CAPITAL DEVELOPMENT AUTHORITY
(PLANNING WING)**

No. CDA/PLW-UP-(90)/KCHS/93/ 1284 Islamabad, April 2002.

To,

Siraj-ul-Islam,
Executive Secretary,
Jammu & Kashmir Cooperative
Housing Society Ltd.,
Flat No. 3 (2nd floor), Block No.16,
Near Petrol Pump G-7 Markaz,
Islamabad.

**SUBJECT: LAYOUT PLAN OF "KHAYABAN-E-KASHMIR"
PRIVATE HOUSING SCHEME" FLOATED BY JAMMU
& KASHMIR COOPERATIVE HOUSING SOCIETY IN
SECTOR G-15 & F-15, ZONE-II, ISLAMABAD.**

Ref: Executive Secretary of the Society letter No. 4/2001/KK dated 7-2-2002.

Dear Sir,

I am directed to inform that the layout plan of subject mentioned Khayaban-e-Kashmir Housing Scheme comprising of total area 3482.62 kanal has been considered by the CDA Board and has been approved in its meeting held on 20-3-2002. A copy of layout plan duly signed by the undersigned is enclosed herewith for your record.

2. As provided in sub para (ii) of para 7 of Modalities and Procedures you are requested to complete the following formalities towards fulfillment of requirement for issuance of NOC.

i). Submit an undertaking as per specimen attached on non judicial paper of appropriate value regarding acceptance of the conditions relating to planning designing and implementation of the scheme within 7 days from the date of issue of letter.

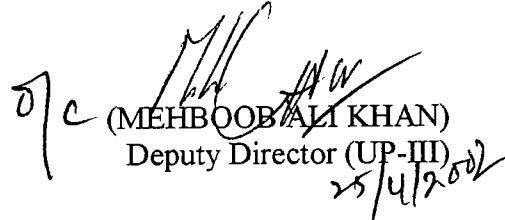

Deposit the entire development cost of the scheme with the Authority. The amount of cost shall be assessed by the Authority on the basis of prevailing cost of development.

iii). In case you do not feel inclined to deposit the development cost of the scheme you are required to mortgage 30% of the saleable area in the approved detailed layout plan with the Authority as a guarantee for completing development works/services within the prescribed period. Specimen of Mortgage Deed is available as Annexure-“B” in the Modalities and Procedures booklet.

933 ~~too~~

- 112
- iv). Transfer to the Authority the land for open spaces, parks, graveyard, right of way of roads, etc. in the layout plan within 45 days w.e.f. the date of issue of this letter. Specimen of transfer deed is available as Annexure-“C” of Modalities and Procedures.
- v). A public Notice shall be published in the national dailies at your expense regarding mortgage of saleable area with the Authority within five days after Mortgage Deed has been executed. Specimen of Public Notice is available as Annexure-“D” of the Modalities and Procedures.
3. You are requested to comply with the above mentioned conditions within stipulated period so as to enable the Authority to take further action towards clause-9 of the Modalities and Procedures i.e. issuance of NOC in respect of the Khayaban-e-Kashmir Housing Scheme.
4. You are advised not to carry out any development work at site before the “NOC” of the scheme and clearance of Engineering Design of the Scheme is issued by CDA.
5. In case of failure for fulfillment of any term and conditions as mentioned above, within stipulated time, approval of layout plan is liable to be cancelled.

Yours faithfully,


M/ / M/ / W
DC (MEHBOOB ALI KHAN)
Deputy Director (UP-III)
25/4/2002

Copy to:

1. D. G. (Environment), CDA.
2. D.G. (Services), CDA.
3. Director Enforcement, CDA.
4. Registrar Cooperative Societies/Deputy Commissioner, ICT, Islamabad.
5. Director Municipal Administration, CDA.
6. Deputy Director BCS-I, CDA.
7. Manager Muslim Commercial Bank Ltd, CDA Sectt. Branch, G-7/4, Islamabad.
8. Director Structure, CDA.

122

Annex-11
1066

REGISTERED

**CAPITAL DEVELOPMENT AUTHORITY
(PLANNING WING)**

No.CDA/PLW-UP(90)/JKCHS/93/ 3847 Islamabad, May 1³, 2004.

To

**Mr. Abdul Latif Qureshi,
Secretary,
Jammu & Kashmir Cooperative Housing Society Ltd.,
Flat # 3, (2nd Floor), Block # 16,
Near Petrol Pump, G-7 Markaz,
Islamabad.**

SUBJECT: NO OBJECTION CERTIFICATE FOR "KHAYABAN-E-KASHMIR PRIVATE HOUSING SCHEME FLOATED BY JAMMU & KASHMIR COOPERATIVE HOUSING SOCIETY IN SECTOR G-15 & F-15, ZONE-II, ISLAMABAD.

I am to inform you that since you have complied with the instructions contained in the Authority's letter dated 25-04-2002, CDA has been pleased to approve your detailed layout plan of the housing scheme, namely "Khayaban-e-Kashmir Private Housing Scheme" sponsored by your company on land measuring 3482.62 kanals comprising khasra Nos.137, 138/2, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148/2, 166/2, 167, 168, 169, 170, 171, 172, 173, 174/2, 176/2, 177, 178, 179, 180, 181, 182, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 286, 287, 288, 289, 291, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 307, 308, 309, 310, 312, 317, 318, 319, 320, 321, 322, 323/2, 324, 325, 326, 327, 328/2, 330/2, 635/2, 640, 641, 643, 646, 1845/1825/182/2, "JHANGI SYEDDAN", 1299, 1300, 1301, 1317, 1318, 1319, 1320, 1321, 1322, 1323, 1324, 1325, 1326, 1332, 1334, 1518, 1525, 1526, 1527, 1528, 1529, 1530, 1533, 1534, 1535, 1536, 1537, 1538, 1539, 1540, 1541, 1542, 1544, 1545, 1547, "BHADANA KALAN" 630, 631, 647 AND 648 "TURNOL" District Islamabad, subject to the conditions laid down in the ICT (Zoning) Regulation, 1992 and the Modalities & Procedures framed there under for development of private housing schemes in Zone-II of the Islamabad Capital Territory. A copy of the approved layout plan has already been forwarded to you on 25-04-2002. Consequently, I am to inform you that the Authority has no objection to the development and advertisement of your housing scheme

2

according to the approved layout plan and subject to the following conditions in particular:

- i) The scheme shall have its independent access and road, water supply and Primary Sewerage Treatment system to be developed by the Sponsors at their own cost and expense.
- ii) The sponsor shall not allocate the plots mortgaged with the CDA to any one until the same are redeemed by the Authority in favour of the sponsors.
- iii) The CDA shall not be responsible for any matter arising out of the ownership of the land or relating to the payment of price of plot(s) in the scheme or their allotment.
- iv) All the buildings to be constructed in the scheme shall be subject to the Islamabad Building Control Regulations as may be amended modified or substituted from time to time.
- v) The plots reserved for amenities and public buildings shall not be utilized by the sponsor for any purposes other than prescribed in the approved layout plan.
- vi) The sponsors shall strictly adhere to the clauses of the Mortgage Deed registered at Sr. No.1021, Book No.I, Vol. No.1338 at pages 13 to 18 dated 31-03-2003 by the Sub Registrar ICT and the Transfer Deed registered with the Joint Sub Registrar, ICT at Sr. No.1020, Book No.I, Vol. No.1338 at pages 9 to 12 dated 31-03-2003.
- vii) The sponsors shall install an activated sludge sewerage treatment plant or another modern plant for the sewerage system of the scheme at the approved location and shall ensure that the treatment of effluent of the sewerage system would be upto the WHO standards and this treated water if required will be used for irrigation purposes only within the scheme and will not be sold.
- viii) The easement of nullah (s) and prominent land features, etc., shall be clearly identified and preserved as open spaces.
- ix) The sponsors shall strictly confine the scheme within the approved area of 3482.62 kanals and no addition or alteration in the approved layout plan shall be made without the prior approval of CDA.
- x) The validity of NOC shall automatically be deemed to have been withdrawn in case the sponsors do not complete at least 10% of the development work within one year from the date of the issuance of NOC.
- xi) In your advertisement of the scheme and subsequent allotment letters, you will clearly and prominently mention that the arrangements for the supply of water to the area would be the responsibility of M/s Jammu & Kashmir Cooperative Housing Society, Islamabad and the Forum of Societies & Private Developers in Zone-II and extended areas of Islamabad and CDA would not be responsible for the same. Copies of advertisements and allotment letters would also be sent to CDA.

- xii) The development works are to be completed within the period specified in the Modalities & Procedures framed under the ICT (Zoning) Regulation, 1992.
2. The NOC is not transferable to any person, company or society and is liable to be withdrawn/cancelled at any stage if it is found by the CDA that sponsors have violated any provision of the approved layout plan or of the ICT (Zoning) Regulation, 1992 and the Modalities and Procedures framed there under, besides, such other actions as may be permissible under the law.

3. You are advised to proceed further in the matter and submit the following documents/information within one month from the date of this letter:

- i) Detailed work schedule in respect of implementation of the scheme as per Engineering Design of the scheme and Modalities & Procedure framed under the ICT (Zoning) Regulation, 1992.
- ii) Fard Jama Bandi and attested copies of the approved mutations by the Revenue Department, Islamabad (Tehsildar, Islamabad) of the mortgaged land/plots measuring 506.40 kanals and the area transferred to CDA measuring 1431.29 kanals under roads, parks, etc. of the approved housing scheme in favour of CDA.

(M. K. PASHA)
13/5

Dy. D.G. (Planning)

Copy to:

1. Director General (Environment), CDA.
2. Director General (Services), CDA.
3. Dy. D.G. (Works), CDA.
4. Director Structure, CDA.
5. Director Architecture, CDA.
6. Director Anti-Encroachment, CDA.
7. Director Environment (Urban), CDA.
8. Director Municipal Administration, CDA.
9. Director Lands & Rehabilitation, CDA.
10. Dy. Commissioner, Islamabad.

PLOTS SCHEDULE

CATEGORY	BLOCK-A	BLOCK-B	BLOCK-C	BLOCK-D	BLOCK-E	TOTAL
75'x120'	18	35	12	12	41	118
60'x90'	147	54	34	54	99	388
50'x90'	-	25	4	-	49	78
40'x80'	349	135	138	35	26	684
30'x60'	399	127	-	427	-	953
000	109	46	18	71	51	295
TOTAL	1022	422	207	589	268	2516

LAND USE

TOTAL AREA = 3482.62 KANALS

LAND USE	AREA (KANALS)	% AGE	CDA STANDARD % AGE
RESIDENTIAL	1601.18	53.98	55 (max.)
COMMERCIAL	145.70	4.91	5 (max.)
AMENITIES	127.00	4.28	4 (min.)
PARKS/GREEN	233.83	7.88	8 (Min.)
ROADS	803.26	27.07	28 (min.)
GRAVE YARD	56.37	1.90	2 (min.)
TOTAL	2987.34	100	100
AREA UNDER R.O.W OF PRINCIPAL ROAD G-15/F-15(600' WDE)	338.20	9.71	-
AREA UNDER R.O.W. OF MAUVE AREA (350' WDE)	177.08	5.08	
GRAND TOTAL	3482.62	-	-

PLAN APPROVED

Vide Board Decision
No. 737/BF dated 20-3-

MAHBOOB ALI KHAN
Deputy Director (U.P.)
Planning Wing CDA
Islamabad

KHYABAN-E-KASHMIR

SECTOR- G-15/F-15(ZONE-II) ISLAMABAD

Jammu & Kashmir Cooperative Housing Society

REVISED LAYOUT PLAN

DESIGN FAST

TOWN PLANNERS, ENGINEERS, ARCHITECTS

Suite#03, st. Foor, Jannah Plaza, Park Road, F-15 Market,
ISLAMABAD Tel: 51-2298815-2291714

OWNER

Sohail ul Islam
Sohail ul Islam
J&K Cooperative Housing Society
Sector G-15/F-15 Islamabad

TOWN PLANNER

Waqas Amer
Waqas Amer
Principal Town Planner
CDA Licence No.
COA/PLN-U/P(175)93/581
ISLAMABAD

ROAD NAME

0

SCALE

116/1

Annex-III

REGISTERED

	CAPITAL DEVELOPMENT AUTHORITY PLANNING WING (Directorate of Housing Societies)	
---	---	---

No. CDA/PLW-HS(90)JKCHS/Phase-II/2010/ 252

Islamabad, 9th March, 2011

Mr. Muhammad Fayyaz Ahmed Awan,
General Secretary, Jammu & Kashmir Co-operative Housing Society,
Community Centre, Khayaban-e-Kashmir-I,
Sectors G-15/F-15, G. T. Road (Ternole Side), Islamabad

Sub:-

**REQUEST FOR APPROVAL OF LAYOUT PLAN OF
PHASE-II OF KHAYABAN-E-KASHMIR-I HOUSING
SCHEME IN SECTORS G-15/F-15, ZONE-2, ISLAMABAD**

Ref:-

Your request vide letter No. 4/2001/KK/, dated 26-11-2010, on the subject noted above.

I am directed to inform that your request for approval of Layout Plan of Phase-II of Khayaban-e-Kashmir-I Housing Scheme in Sectors G-15/F-15, Zone-2, Islamabad, over an area of 991.86 Kanals, has been examined in the Authority and **approved in principle**, subject to the following condition, in addition to the usual conditions provided under Modalities and Procedures, framed under ICT Zoning Regulations 1992, for Development of Private Housing Schemes in Zones-25 of ICT Zoning Plan:

"The Non Encumbrance Certificate (NEC)
regarding land ownership duly issued by Tehsildar,
ICT Islamabad will be provided with in 30 days"

2. The formal approval of Layout Plan may be issued by the CDA on submission of NEC.
3. This has approval of Member (P&D), CDA.

M.B.Z.Z.I
(AYUB TARIQ)

Director Housing Societies

Copy to:

1. DG (Planning), CDA.
2. Deputy Commissioner/Registrar Co-operative Societies, ICT, F-8 Markaz, Islamabad.
3. Circle Registrar Co-operative Societies Department, ICT, F-8 Markaz, Islamabad
4. M/s Sibt-e-Hassan and others, Khayaban-e-Kashmir-I Housing Scheme, Sectors G-15/F-15, Islamabad
5. P. S. to Chairman, CDA.
6. P.S. to Member (P&D), CDA.
7. Master File.

M.B.Z.Z.I
Director Housing Societies

J.C

38. This case pertains to request of M/s Jammu & Kashmir C-operative Housing Society for approval of Layout Plan of Phase-II of Khyaban-e-Kashmir-I Housing Scheme, in Sectors G-15/F-15, Zone-2, Islamabad.

39. Background of the case is that CDA approved the Layout Plan of Jammu & Kashmir Co-operative Housing Scheme in Sectors G-15/F-15, Zone-2, Islamabad, sponsored by M/s Jammu & Kashmir Co-operative Housing Society on 25-4-2002. The Scheme comprises over an area measuring 3,482 Kanals having 2,516 residential plots of different sizes. Later on, No Objection for Development (NOC) for this Housing Scheme was issued by CDA on 13-5-2004. The due date (extended) of Completion of Development Works is 13-5-2011.

60. M/s J&KCHS has now requested for approval of Layout Plan of Phase-II of Khyaban-e-Kashmir-I Housing Scheme, in Sectors G-15/F-15, Zone-2, Islamabad. The Phase-II of the Scheme is an extension of previous scheme in its northern, eastern and western directions. The Proposed Layout Plan plans is placed at **Flag-A**. The Land Documents (Fard and Aks Shajra) are at **Flag-B**. The plans and land documents have been checked by Mr. Sarfarz (ADM) and Mr. Tanvir (Parwari), respectively. Following are the details:

61. LAYOUT PLAN

The total area of proposed scheme is **991.86 Kanals**. The Landuse Analysis is given below:

LAND USE ANALYSIS

Sr. No.	Landuses	Area in Kanals	% age	CDA Standard (% age)
1.	Residential (including Apartments)	345.03	53.72	55 (max.)
2.	Commercial	03.75	0.58	5 (max.)
3.	Public Buildings	28.69	4.47	4 (min.)
4.	Parks/ Open Spaces	53.85	8.38	8 (min.)
5.	Graveyard	13.14	02.05	2 (min.)
6.	Roads	197.84	30.80	26 (min.)
Sub-Total		642.30	100.0	-
7.	Area under ROW of 16th Avenue (300' wide) and Khayaban between Sectors G-15 and F-15 (600' wide)	349.43	-	-
GRAND TOTAL		991.86	-	-

(16)

116

SCHEDULE OF RESIDENTIAL PLOTS

Sr. No.	Size of Plots	No. of Plots
1.	60'X90'	54
2.	50'X90'	83
3.	40'X80'	119
4.	35'X70'	22
5.	30'X60'	18
6.	ODD Plots	126
Total		416

62.

LAND DOCUMENTS

The detail of Land documents submitted by the Society is as under:

M/s J&KCHS

Sr. No.	Mouza	Khasra Numbers	Total Land
1.	Jhangi Sayyedaan	11/2, 12/2, 133/2, 135, 137, 138, 139, 144 148/2, 165/2, 168, 174, 176, 177, 1847/ 182, 221, 228, 1666/ 278, 1668/278, 279, 280, 281, 282, 283, 284, 288, 1667/289, 1668/289, 326, 327, 328/2 330, 1082/2	668.61 Kanals
2.	Badhana Kalaan	1298, 1299, 1300, 1301, 1317, 1318, 1319, 1320, 1321, 1322, 1323, 1326, 1332, 1334, 1335, 1513, 1514, 1515, 1516, 1517, 1518, 1519, 1520, 1525, 1526, 1527, 1528, 1530, 1532, 1533, 1537, 1538, 1539, 1540, 1541, 1542, 1543, 1544, 1545, 1547,	
3.	Mauza Tarnol	629, 630, 631, 633, 634, 640, 641, 647, 648	

M/s SIBT-E-HASSAN & Others

Sr. No.	Mouza	Khasra Numbers	Total Land
1.	Jhangi Sayyedaan	138, 142, 148/2, 166/2, 167, 176, 177, 227, 228, 279, 280	323.25 Kanals

M/s Sibt-e-Hassan and others have not transferred the land to the Society, rather have made an Agreement with M/s J&KCHS for development of Scheme on their land (Flag-C).

B7 Petitioner



[Vol. XXXII

2010] Residents' Welfare Society v. Federal Government
Employees' Housing Foundation (Ijaz Ahmad, J)

1663

required a sum of Rs.one imad, RW-2 and Mazhar

landlord whereby it is ill discharge the initial had in fact paid the rent. od Begum and others v. peer d-Din (deceased) & others PLD 1993 Kar. It is basic law that one died in the pleading. The id the rent in lump sum alia proving that a sum otherwise the rent for 30 respondent was not one lac. s false. The affidavits in ve no value because they ot produced for cross- er, pure and simple. The e evidence in its true ent ntroller are not

is vehemently contended it had no authority to file nable. The copy of the n clearly shows that the an ejectment petition and up to the Supreme Court ney, the objection as to eal has no weight in the

owed and the impugned nent petition is accepted vacant possession to the

Appeal allowed.

2010 C L C 1663

[Lahore]

Before Ijaz Ahmad, J

RESIDENTS' WELFARE SOCIETY, SECTOR G-13,
ISLAMABAD through President---Petitioner

versus

FEDERAL GOVERNMENT EMPLOYEES' HOUSING FOUNDATION
through Director General and another---Respondents

Writ Petition No.2150 of 2010, decided on 30th June, 2010.

Constitution of Pakistan (1973)---

—Art. 199—*Constitutional jurisdiction—Scope—Conversion of public utility areas of Housing Society into commercial plots—Registered welfare society of residents challenged the conversion of public utility areas and open spaces into commercial and residential plots—Society contended that the petitioner should have had recourse to arbitrator before seeking remedy through constitutional jurisdiction of High Court—Validity—Residential and commercial plots were admittedly carved out for public utility areas including school, parks and open spaces which could only be used for specified purposes—Open spaces were the common property of the residents and a heritage for the posterity, therefore, conversion of open spaces amounted to obliterate history—Reducing the size of 'Nullah' which worked as a drain during rainy season was not admissible under law—Earth-filling of the depressions that served as the natural outlets of rain water had always brought havoc by inundation of the localities during rainy reason—Conversion of land, in the present case, thus was illegal—Where an Authority had acted in a manner not warranted by law, remedies provided under the law need not be necessarily exhausted before seeking interference of High Court through constitutional jurisdiction—People decide to choose a particular housing scheme for living in view of the provision of public utility areas, parks, schools, open spaces and topography of such housing scheme, petitioners, therefore, could not be deprived of such public utility areas which they had in their minds while they subscribed for the such housing scheme—Constitutional petition was accepted—Authorities were perpetually restrained from converting the public utility areas into residential or commercial places. [p. 1665] A, B, C, D, E & F*

Shahid Mehmood Khokhar for Petitioner.

Niaz Ahmad Rathor for Respondent No.1.

Malik Zafar Abbas, Director/Law Officer on behalf of respondent No.1.

Qaisar Abbas, Director (Tench) FGEHF.

ORDER

IJAZ AHMAD, J.—It is contended by learned counsel for the petitioner that the petitioner is a registered welfare society of the inhabitants of the area; and that the respondents have deviated from the original plan and converted public utility areas into commercial and residential plots. This point raised needs consideration.

2. This case is admitted to regular hearing.

3. As a short matter is involved in the instant case; the parawise comments have already been submitted by respondent No.1; the respondent side is ready to argue the case, with the concurrence of the parties let this case be heard and decided today.

4. Learned counsel for the petitioner in Para-II of his petition has pointed out that five areas reserved for specific public purposes have been converted for being used for altogether different purposes. The area is the one reserved for the Hill Park. In the written reply submitted by respondent No.1, it has been admitted that in respect of the first area, that out of the Hill Park, 18-residential plots have been carved out. This has resulted in shrinking of the Hill Park. The second issue relates to the plot reserved for school. It is admitted by the respondent No.1 that 10-plots, each measuring 50x90 square feet have been carved out from the school. The issue relating to the third and fourth areas that pertains to the space reserved for 'Markaz' is given up by the petitioner. The fifth area is a public park in Sector G-13/3, Islamabad. It is also admitted by respondent No.1 that the depression measuring 20 to 30 square feet along with the site of 'Nullah' has been filled up with earth and has been converted into residential area.

5. It is contended by learned counsel for respondent No.1 that the petitioner is not an aggrieved person and the area of the already existing residential plots has not been changed; and that the petitioner was supposed to have resorted to the arbitrator, as provided under Clauses 23 and 24 of the Brochure, which is now made part of the record as Annexure-C-A. It is further submitted by the learned counsel for respondent No.1 that the site plans referred to by learned counsel for the petitioner, as Annexures C and D are provisional and may be subjected to alterations in order to cater to the needs of the inhabitants of the housing society. However, learned counsel for respondent No.1 owns and relies on the site plan annexed with the written reply as Annexure-F.

6 I have heard learned counsel for the parties and have gone through the record.

clc

7. This court cannot parties, however, it is adm out from the Hill Park si shrinking of the Hill Park al locality. The plot reserved has also been reduced. 10 been taken out from the lan in a housing scheme have provisional site plans can be utility of the area. Any publ residential area just to multi to the fortune of its develop of the inhabitants of the loc come. The conversion of tl areas is just like tearing aw be replaced. The shrinking rainy water is also not a depressions that serve as th brought havoc by inundatio during rainy season. The p that the reduction of the are of the residents of the area.

8. As already observed used for any other purpose j society, the conversion of the benefits of the housing soc organizers is illegal and ca objection of learned counsel in the first instance, has rec the present situation. Whei unwarranted by law, the r exhausted before having rec court.

9. Those who select a settlement, always have the spaces and topography of t these characteristics of the s of it on account of lust for we

10. The petition succee from converting the public places.

A.R.K./R-46/L

ficer on behalf of respondent

F.

by learned counsel for the welfare society of the inhabitants viat from the original plan cial and residential plots. The

e instant case; the parawise bponent No.1; the respondent occurrence of the parties let this

1 Para-II of his petition has ic public purposes have been ent purposes. The area is the reply submitted by respondent the first area, that out of the ed out. This has resulted in elate o the plot reserved for that 10-plots, each measuring the school. The issue relating e space reserved for 'Markaz' s a public park in Sector G-13. respondent No.1 that the depression site of 'Nullah' has been filled ential area.

or respondent No.1 that the area of the already existing at the petitioner was supposed under Clauses 23 and 24 of record as Annexure-C-A. It is respondent No.1 that the site petitioner, as Annexures C and rations in order to cater to the y. However, learned counsel e site plan annexed with the

parties and have gone through

7. This court cannot determine the factual controversy between the parties, however, it is admitted by both the sides that 18-plots were carved out from the Hill Park situated in Sector G-13, Islamabad, resulting in shrinking of the Hill Park and of the public utilities for the inhabitants of the locality. The plot reserved for the Secondary School measuring 3.87 acres has also been reduced. 10-plots, each measuring 50x90 square feet have been taken out from the land reserved for the school. Open spaces reserved in a housing scheme have to be used for the specified purpose only. The provisional site plans can be subjected to minor changes only to increase the utility of the area. Any public utility cannot be converted into commercial or residential area just to multiply the revenue of the housing society or to add to the fortune of its developers. The open spaces are the common property of the inhabitants of the locality and also the heritage of the generations to come. The conversion of the open spaces into commercial and residential areas is just like tearing away the pages of history, which once torn cannot be replaced. The shrinking of the 'Nullah' which works as a drain for the rainy water is also not admissible under the law. Earth-filling of the depressions that serve as the natural outlets of the rainy water has always brought havoc by inundation of the settlements and habitats of the people during rainy season. The petitioner has well placed reasons to apprehend that the reduction of the area of the 'Nullah' will adversely affect the safety of the residents of the area.

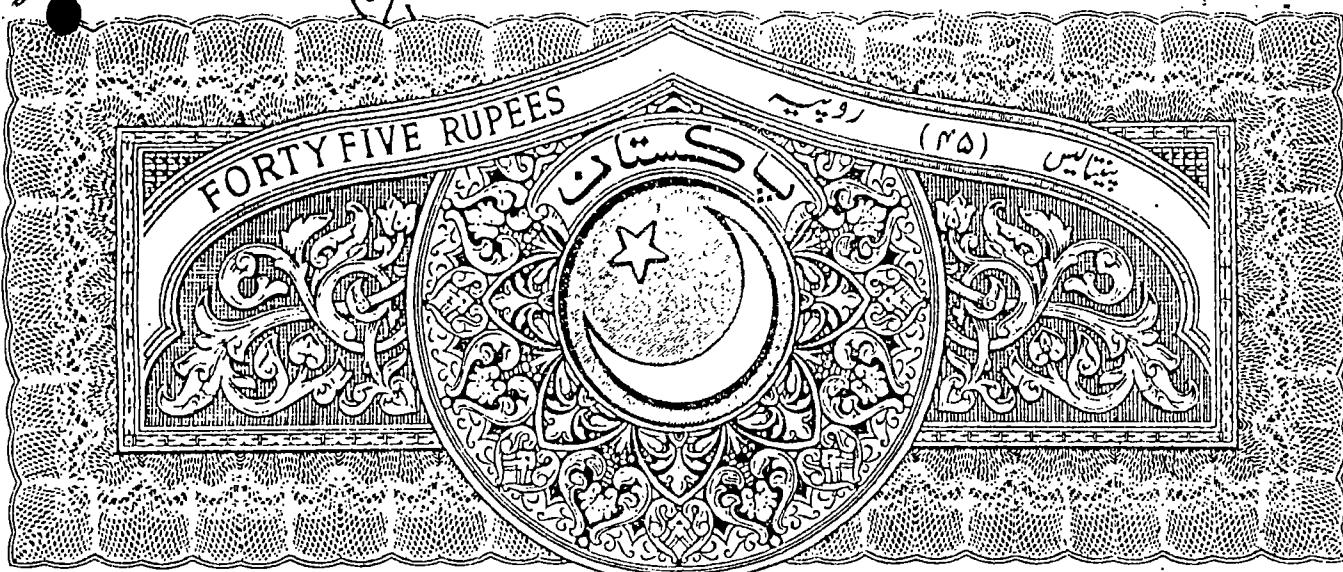
8. As already observed that the land specified for a purpose cannot be used for any other purpose just in order to multiply revenue for the housing society, the conversion of the lands in all three mentioned cases for financial benefits of the housing society or for proliferation of the riches of the organizers is illegal and cannot be allowed to perpetuate. As far as the objection of learned counsel for respondent No.1 that the petitioner did not, in the first instance, has recourse to the arbitration, the same loses force in the present situation. Where the authority acts in a manner altogether unwarranted by law, the remedies provided under the law need not be exhausted before having recourse to the constitutional jurisdiction of this court.

9. Those who select a particular area or a housing scheme for their settlement, always have the available public utility area, the parks, the open spaces and topography of the area in their minds. The petitioners having these characteristics of the scheme in their consideration cannot be deprived of it on account of lust for wealth accumulation of the estate developers.

10. The petition succeeds. The respondents are perpetually restrained from converting the public utility areas into residential and commercial places.

PAKISTAN

45 RS.



ANNEXURE "C"

TRANSFER DEED

THIS DEED OF TRANSFER Made on this _____
day of _____ year _____ by M/s Jammu &
Kashmir Co-operative Housing Society Ltd., Flat No. 3, Block No. 16, Libra Market,
G-7 Markaz Islamabad through their Secretary, hereinafter called the "Transferor",

IN FAVOUR OF

The Capital Development Authority, Islamabad hereinafter called the "Transferee".

WHEREAS the transferor is absolute owner with possession of land
measuring 3482 Kanals 12 Marlas bearing Khasra Nos. 137,138/2,
139,140,141,142,143,144,145,146,147,148/2,166/2,167,168,169,170,171,
172,173,174/2,176/2,177,178,179,180,181,182,184,185,186,187,188,189,
190,191,192,193,194,195,196,197,198,199,200,201,202,203,204,205,206,
207,208,209,210,211,212,213,214,215,216,217,218,219,220,221,222,223,
224,225,226,227,228,229,230,231,232,233,234,235,236,237,238,239,240,
241,242,243,244,245,246,247,248,249,250,251,252,253,254,255,256,257,
258,259,260,261,262,263,264,265,266,267,268,269,270,271,272,273,274,
275,276,277,278,279,280,281,282,283,284,286,287,288,289,291,294,295,
296,297,298,299,300,301,302,303,304,305,307,308,309,310,312,317,318,
319,320,321,322,323/2,324,325,326,327,328/2,330/2,635/2,640,641,643;
646,1845/1825/182/2, 'JHANGI SYEDDAN'

123 N
45+2+5+2
21

بیت مرنگ روپڑی من سارہ ۰۵۔۰۴۔۲۰۱۷

Qureshi

1020
1

Presented for registration this Deed of Transfer by ABDUL LATIF QURESHI
Secretary Jammu & Kashmir Co. Housing Society IBD
Jammu & Kashmir Co-operative Housing Society Ltd., Flat No. 3, Block No. 16, Libra Market
G-7 Markaz, Islamabad, of the One Part and CDA, Islamabad on the 2nd Part before me at the
office of Joint Sub Registrar, Islamabad, on this 31/03/2017 day of March 200
between the hours 13 to 14.

Executants:

1st Party:

Abdul Latif Qureshi
Secretary
Jammu & Kashmir Co-operative
Housing Society Ltd.,
Islamabad.

Abdul Latif Qureshi

2nd Party:

Mahboob Ali Khan
Deputy Director
MAHBOOB AL KHAN,
Urban Planning Directorate
Planning Wing/CDA, DA
Islamabad, Islamabad

JOINT SUB REGISTRAR
ISLAMABAD

Execution and completion of this deed has been admitted by the said executants who subscribe
to and abides by all the terms and conditions set forth in the body of this deed. The executants
are identified by:-

1. Syed Ajif Humam Hayat
NIC no. 61101-2005119-1

2. Syed Ajif Humam Hayat
NIC - 211-A3446807 -

The witnesses are relied upon.

Executants: - 1 Syed Ajif Humam Hayat

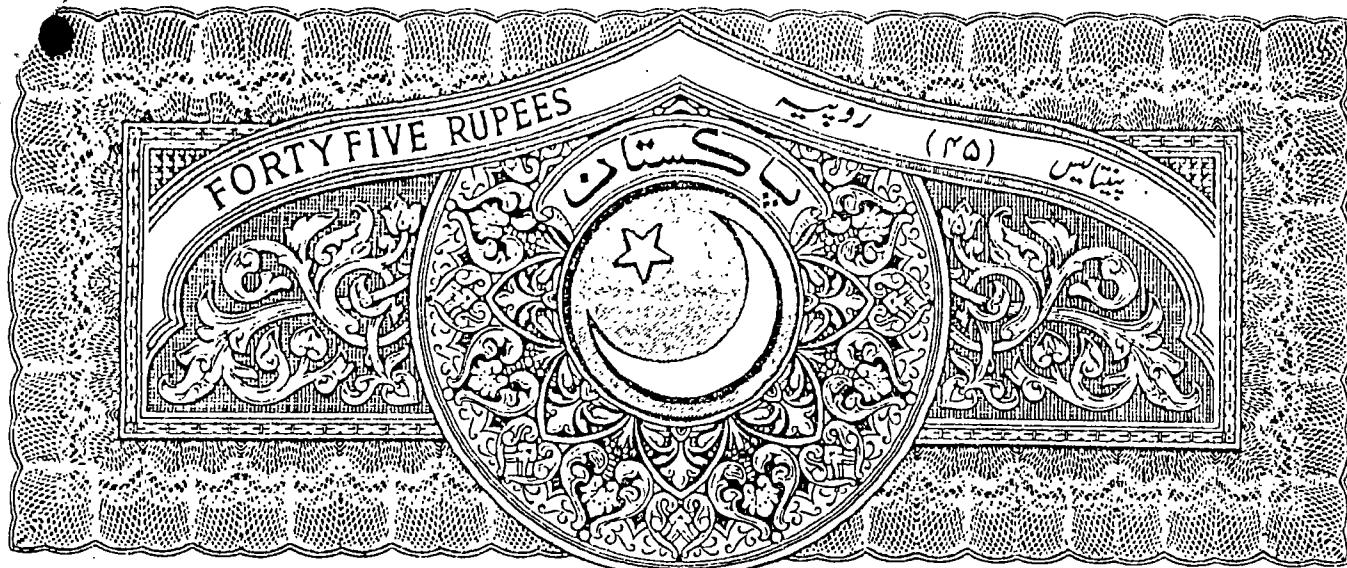
Witnesses: - 1 Humayun

JOINT SUB REGISTRAR
ISLAMABAD

STAN

1242

45 RS.



(Page-2)

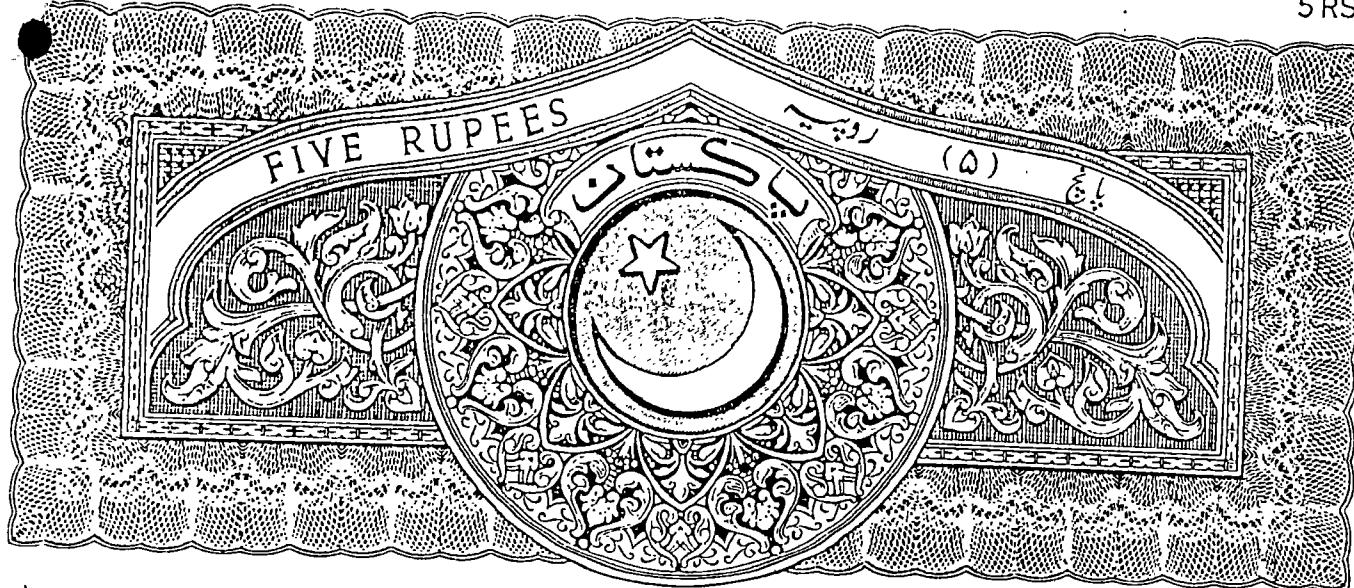
1299, 1300, 1301, 1317, 1318, 1319, 1320, 1321, 1322, 1323,
 1324, 1325, 1326, 1332, 1334, 1518, 1525, 1526, 1527, 1528,
 1529, 1530, 1533, 1534, 1535, 1536, 1537, 1538, 1539, 1540,
 1541, 1542, 1544, 1545, 1547, 'BHADANA KALAN'
 630, 631, 647, and 648 'TURNOL'

Amount Rs. 4, 50, or value of the property.

in Muaza Bhadhana, Jhangi Syyedan and Tarnol. Tehsil and District Islamabad.

AND WHEREAS the Transferee has approved the layout of a housing scheme on the land, in which an area measuring a total of 1431.29 Kanals. (Shown in blue on the plan annexed hereto) is reserved for General Public use as follows (hereinafter called the "Property")

	KANALS =====	MARLA =====	SQFT =====
01. For Roads	1141.46		
02. For Parks	233.83		
03. For Grave-yards	56.00		
04. For Public Buildings	Nil.		



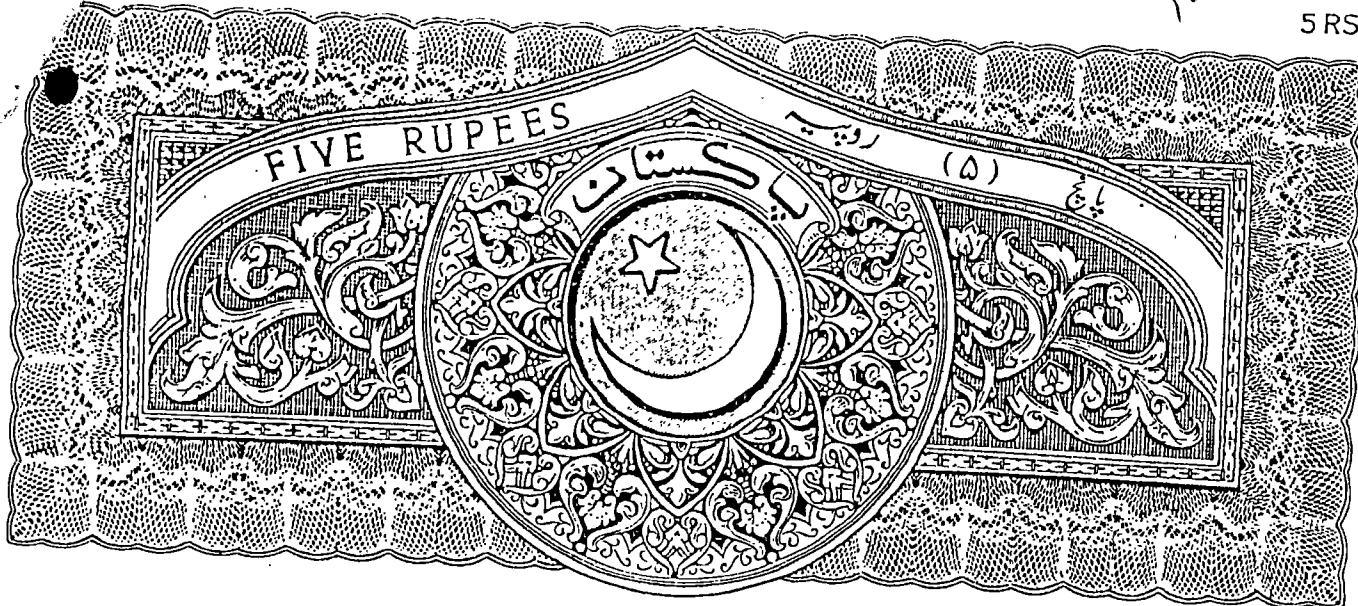
(Page-3)

NOW THEREFORE, this deed witnesseth as follows: -

01. That the Transferor hereby declares and warrants that he is the absolute owner of the Property and no person whatsoever has any charge, encumbrance, lien or mortgage over the property and same is free therefrom.
02. That in consideration of Public Welfare, the Transferor hereby transfers to the Transferee, free of charge, all its rights, interest, easements, appertaining the Property and to hold the same by the Transferee as absolute and lawful owner.
03. That the Transferor further agrees, at all times hereafter, upon the request and at the expenses of the Transferee, to execute or cause to be executed all such lawful deeds, acts and things whatsoever for better and more perfectly conveying and assuring the "Property" unto the Transferee, its successors-in-office, administrators, assigns as shall be reasonably required by the Transferee, and placing it in its possession according to the true interest and meaning of this deed.
04. That after the execution of this transfer deed, the land under the roads, playgrounds, parks, green area, graveyard, incidental open spaces etc. will become the property of the transferee. But notwithstanding the transfer, the transferor will remain responsible for construction of roads, development of parks etc. and their maintenance in accordance with the standard laid down or directions issued by the CDA unless and until the scheme as a whole is handed over to and taken over by CDA. The transferee will be responsible for managing the area transferred to it by the Transferor.

STAN

5 RS.



(Page-4)

IN WITNESS WHEREOF, both the parties have put their respective hands and seals
on the day and year first above written.

For and on behalf of
M/s Jammu & Kashmir Cooperative
Housing
Society, Ltd. Islamabad.
ABDUL LATIF QURESHI
Secretary
Jammu & Kashmir Coop.
Housing Society Ltd.

For and on behalf of the
Capital Development Authority
Planning Wing CDA
Islamabad

Witnesses:

01. Name SIRAJUL ISLAM
Occupation SIRAJ UL ISLAM
Address J&K Cooperative Housing Society
ISLAMABAD
N.I.C. No. 61101-2065119-1

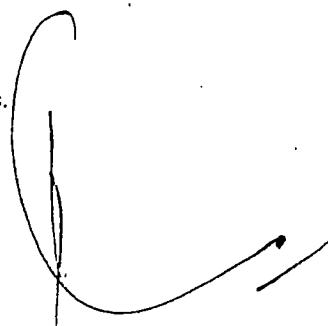
02. Name syed Arif Iqbal Nayab
Occupation Apo
Address D.D. 31-3, Gokhlan Duleh, Khan
N.I.C. No. 211-A3-AA6507

1271
P
5/28
Joint Sub Registrar
Secty, Viceroy, F-6, Islamabad.
F-6 Market, Islamabad.

CERTIFICATE

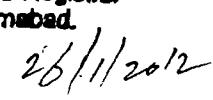
Registered at S. No. 1020 on this 31st day of Mar.
2003, and its duplicate copy is pasted in Book No. I Vol No. 1338
at pages 9 to 18.

The executants and the witnesses have signed in my presence.


JOINT SUB REGISTRAR
ISLAMABAD

CERTIFIED TRUE COPY


Joint Sub Registrar
Islamabad.


26/11/2012

بند نکالہ برائے فریضت احمدی

عمری اپر و منٹ ٹرست کا لوفی نزد حجیکا گلی میں ولی دیو ایک عدو قلی
فریڈ ۱/۲ کنال خوبصورت بندہ برائے فروخت موجود ہے۔ جس
میں 5 عدد بیڈ روم انجوں با تھو، دو عدو لاوین، فرنٹ بیک لان، دو عدو
سرورٹ روم، کار پارک، سترلی ہیٹک سٹم بھروسی گیس لکشن

اسلام آباد ہائی کورٹ کے سامنے 4 عدد
برائے شووفاتر، واقع جسٹ آرکیڈ 10-G
اسلام آباد میں کرایہ کیلئے خالی ہیں

حوالہ: ڈرام 11-9323311

کمپیل ڈولپمنٹ اتحاری

پلانگ وگ، (ڈائریکٹور پیٹ آف ہاؤسنگ سوسائٹیز)



اسلام آباد میں پرائیویٹ ہاؤسنگ سکیموں / ایگر و فارمنگ سکیموں کی

صورتحال کی ہی ڈی اے ویب سائٹ پر دستیابی

عوام الناس کو مطلع کیا جاتا ہے کہ پرائیویٹ سکیموں / ایگر و فارمنگ سکیموں کی صورتحال / وضعیت (Status) ہی ڈی اے ویب سائٹ پر اپ لوڈ کر دی گئی ہے تاکہ تمام سینک ہولڈرز (متعلقین) اس حوالے سے معلومات حاصل کر سکیں۔ ہی ڈی اے کی ویب سائٹ: www.cda.gov.pk پر درج ذیل معلومات دستیاب ہیں۔

i) سکیم کا نام کمپنی / سوسائٹی کا نام

ii) مقام / جگہ سکیم کا ایریا (محل)

iii) رہائشی ایگر و فارمنگ پلاس کی تعداد منسوبہ کی مخصوصی کی تاریخ

v) این اوی کی تاریخ ڈولپمنٹ کی صورتحال

vii) معاونین (پانزرز) کا پتہ / فون نمبر

2) متعلقہ سکیموں کا منتشر شدہ منصوبہ نام و تاریخ اور عوام کی آگاہی / معلومات کیلئے ہی ڈی اے کی ویب سائٹ پر دستیاب افراد کر دیا گیا ہے۔ عوام کو بہایت کی جاتی ہے کہ وہ کسی قسم کے دوکے انتصان یا اپنی رقم کو شائع ہونے سے بچانے کیلئے کسی بھی سکیم میں سرمایہ کاری سے قبل متعلقہ سکیم کی قانونی حیثیت معلوم کر لیں۔ سکیم کے منتشر شدہ منصوبے (لے آؤٹ) خصوصاً مساجد، سکولوں، ہسپتاں، کیوٹی سینٹر، خالی جگہوں / پارکوں / کھیل کے میدانوں، ہاؤسنگ، بھرتوں، قبرستانوں، شرکوں / گلیوں وغیرہ جیسی سہولیات اپنک بلڈنگ ایریا کے حوالے سے مشاورت لازمی ہے۔ غیر مجاز اور قانونی سکیموں سے متعلق سال 2006 سے ہی ڈی اے کے جاری کردہ پلک نوش بھی ویب سائٹ پر دستیاب ہیں۔

3) درج بالا ہدایات پر عمل درآمد کیلئے متعلقہ تمام افرادی ڈی اے کی ویب سائٹ پر ملاحظہ کر سکتے ہیں۔ اس طبق میں بھری کے حوالے سے کسی بھی قسم کی تجویز کی حوصلہ افزائی کی جائے گی اور انہیں خوش آبدی کا ہو جائے گا۔

عاشق علی فوری

ڈائریکٹر ہاؤسنگ سوسائٹیز - فون: 051-9252983

Pn: 9082235
Fax: 9220406

REGISTERED

No.C.P. 863/2013 - SCJ

SUPREME COURT OF PAKISTAN.

Islamabad, dated 9/11/ 2013.

From

The Registrar,
Supreme Court of Pakistan,
Islamabad.

To

✓ The Registrar,
Islamabad High Court
Islamabad.

Subject: CIVIL PETITION NO. 863 OF 2013.

Jammu & Kashmir Cooperative Housing Society
VERSUS.

Muhammad Raza & others

**On appeal from the Judgment/Order of the
Islamabad High Court, Islamabad dated
09.05.2013 in I.C.A. No. 301-W/2012 in W.P.
No. 1777/2011.**

Adm: Reg (T)
Dear Sir,

I am directed to enclose herewith a certifid copy of the Order of
this Court dated 05.11.2013 **dismissing as not pressed** the above cited civil
petition for information and further necessary action.

Please acknowledge receipt of this letter alongwith its enclosure

immediately.

AR Unit
13-12-13
Encl: Order

Yours faithfully,


(NAZAR ABBAS)
ASSISTANT REGISTRAR (IMP)
FOR REGISTRAR

130 etc

IN THE SUPREME COURT OF PAKISTAN

(Appellate Jurisdiction)

PRESENT:

**MR. JUSTICE NASIR-UL-MULK
MR. JUSTICE MUHAMMAD AATHER SAEED
MR. JUSTICE IQBAL HAMEEDUR RAHMAN**

CIVIL PETITION NO.863 OF 2013

(Against the judgment dated 09.05.2013 of the Islamabad High Court, Islamabad passed in I.C.A.No.301-W of 2012).

Jammu & Kashmir Cooperative Housing Society. ... **Petitioner(s)**

Versus

Muhammad Raza and others. ... **Respondent(s)**

For the Petitioner(s): Ch. Mushtaq Ahmed Khan, Sr. ASC.
Abdul Latif Qureshi, VC.

Respondents No.1 & 2: In-person.

For Respondent No.4: Mian Muhammad Hanif, ASC.
Raja Abdul Ghafoor, AOR.
Ayub Tariq (Director).

Date of Hearing: 05.11.2013.

ORDER

NASIR-UL-MULK, J:- Since certain adverse observations have been made in the report prepared by the CDA, the learned counsel for the petitioner, on instructions, does not press this petition in order to avail any other remedy available to him against the said report. Order accordingly.

Sd/- Nasir-ul-Mulk,J.
Sd/- Muhammad Ather Saeed,J
Sd/- Iqbal Hameedur Rahman,J

Certified to be true Copy
12/17
Superintendent
Supreme Court of Pakistan
ISLAMABAD

Islamabad, the
5th November, 2013.
"M. Tauseef"
'NOT APPROVED FOR REPORTING'



IN THE ISLAMABAD HIGH COURT, ISLAMABAD

JUDICIAL DEPARTMENT

13-01

No. 115 - 118 /Civil-SCP

Dated 01/01/2014 - 2013

From,

The Registrar,
Islamabad High Court,
Islamabad.

To,

The Respondents

(Full Address)

Subject: Civil Petition /Civil Appeal 863 of 2012

Jammu & Kashmir vs Muhammad Raza, etc.

On appeal from the Judgment/ Order of the
Islamabad High Court,

Islamabad. Dated 03-05-13 in ICA - 361-W-12 in of 1777/2011.

Dear Sir,

In continuation of this Court's letter No. 18376-77 /Writ
Dated 07-06 /2012, I am directed to forward a copy of the Supreme
Courts letter No. CP/CA 863 /2013-SCJ, dated 08-12-13,
alongwith its enclosure for information.

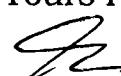
Yours Faithfully,


Assistant Registrar (Writ)
For Deputy Registrar (Judicial)

Endst. No. 119 /Civil-SCP dated 01/01/2014 20

Copy forwarded to **The Registrar Supreme Court of Pakistan, Islamabad**
with reference to his letter No. CP/CA 863 /2013 +20/SCJ,
dated 08-12-13 for information and necessary action.

Yours Faithfully,


Assistant Registrar (Writ)
For Deputy Registrar (Judicial)

9/1

IN THE ISLAMABAD HIGH COURT, ISLAMABAD

OUT TODAY

URGENT

OF 15454
16/4/65

No. 133
Writ
Dated 19/5/65
12012

The Deputy Registrar (Judicial),
Islamabad High Court,
Islamabad

To:

Subject: WRT PETITION NO. 177
12011

177
LAWMANNA
VS
LAWMANNA

G-7/A, ISLAMABAD

CDA, Government of

All Chancery CDA,

From:

Islamabad High Court,
Islamabad

I am to add that the report and parauise comments asked for should be clearly typed in triplicate and submitted to this Court within / before _____ (PC) (A), without fail.

You are hereby directed to appear in person/or depute an official/officer, representative well conversant with the facts of the case m. along with the recent records of the case cited above.

Who should appear before this Court on 24/5/65 (FCA) at 08:00 A.M. along with the recent records of the case cited above.

See as above.

ASSISTANT REGISTRAR
Yours faithfully
For

For Deputy Registrar (Judicial)