

**ORDER SHEET.**

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

**Crl. Original No. 176/2020**

Manzoor Fatima alias Kausar

Versus

Amer Ali Ahmed, Chairman CDA, etc.

S. No. of order/ proceedings	Date of order/ Proceedings	Order with signature of Judge and that of parties or counsel where necessary.
	15.09.2021.	Syed Asghar Hussain Sabzwari, Advocate for applicant. Mr. Muhammad Nazir Jawad, Advocate for CDA.

Through this Criminal Original petition, the applicant seeks initiation of contempt of Court proceedings against respondents for non-compliance of judgment dated 24.12.2018, passed in ICA No.367/2015, whereby following directions were issued:-

*In view of the above referred changed circumstances regarding the withdrawal of the allotment of plot No.19-A, Orchard Scheme, Murree Road, Islamabad, from the respondents and the reconstitution of the A.S.C. vide notification dated 16.02.2015 with the mandate to inter-alia scrutinize all cases of agro-farming plots to be allotted to the affectees, the instant appeal is allowed, and the impugned judgment dated 03.08.2015 to the extent of allowing writ petition No.3750/2010 is set-aside. The A.S.C. of the C.D.A. is directed to pass a speaking order on the respondents' applications for the allotment of agro-farms as well as their application for the restoration of the said plot No.19-A, after affording an opportunity of hearing to the respondents' representatives. The A.S.C. of the C.D.A. is expected to take a decision with an independent*

*application of mind uninfluenced by the observations contained herein. This exercise shall be completed within a period of two months from the date of the receipt of this judgment and a report in this regard be submitted through the Registrar for the perusal of this Court. There shall be no order as to costs.*

2. The above mentioned directions of this court have not been complied with by the respondents/CDA, where-after instant criminal original petition has been filed.

3. Notices were issued to the respondents, whereby respondents have been represented through their counsel on 12.11.2020 and as per their stance CDA authorities are ready to comply with the directions passed by this court, whereby applicants were also directed to appear before the Member (Estate) CDA. The matter was considered by the CDA and it was agreed between the parties that commission will explore the documentary evidence from the Board of Revenue as to whether any land has been allotted to affectees on the basis of EC No.006349, dated 16.02.1983 and EC No.007401, dated 30.11.1986 respectively, where-after, matter of allotment of plot will be processed in accordance with law.

4. In the light of above position stated before this court on 26.01.2021 joint commission has been appointed comprising of Ijaz Ahmed Sheikh, Director Urban Planning, CDA and Mr. Faisal Bin Khursheed,

Advocate to explore the record from the Board of Revenue Department, Government of Punjab, Lahore. A report has been submitted on 06.05.2021, which reveals that commission has visited the Board of Revenue on four different occasions i.e. 16.02.2021, 25.03.2021, 03.05.2021 and 05.05.2021 and it has been observed that:-

*In the foregoing circumstances, Board of Revenue in its report issued vide letter no.323-2021/1292 C-I dated 05.05.2021 has specifically admitted in paragraph 2 that “no allotment has been made against Eligibility Certificate No.006349 dated 16.02.1983 and Eligibility Certificate No.007401 dated 30.11.1986” in 5 districts, namely, Multan, Vehari, Khanewal, Pakpattan and Toba Tek Singh. However, assertions made in rest of the paragraphs of the Report dated 05.05.2021 that whether there was a willful fraud or not on the part of the affectees is matter of evidence and the same is yet to be decided after perusing the reports of all nine districts along with documentary evidence, hence, these contents are controverted.*

*Our considered opinion is that the Board of Revenue, Punjab is not facilitating the procurement of reports along with documentary evidence and it is inconsistent with the law to submit a final report before this Hon’ble Court without taking into account the reports of all nine (9) districts along with documentary evidence. The Commission is remains sanguine that this Hon’ble Court will after reading this interim report perceive and understand the bona fide of the Commission and the Commission will not held responsible by this Hon’ble for non-submission of the final Report before this Hon’ble Court.*

5. While considering the above mentioned report

of commission, it appears that different directions have been issued to the Executive District Officers Revenue to submit their separate report comprising of District Sahiwal, Jhang and Lodhran. This court has also issued notices to the concerned EDOs, where-after a report has been issued from Deputy Commissioner Sahiwal, dated 31.07.2021, Deputy Commissioner Lodhran, dated 14.07.2021, Additional Deputy Commissioner (Revenue) Jhang and Member (Colonies), Board of Revenue, Punjab, dated 14.06.2021. All these reports reveal that Eligibility Certificate No.006349 dated 16.02.1983 and Eligibility Certificate No.007401 dated 30.11.1986 have not been utilized in the respective districts, nor any land has been allotted to Manzoor Fatima till date. In such scenario, pre-requisite for compliance of judgment of this court dated 24.12.2018, passed in ICA No.367/2015 has already been fulfilled.

6. Learned counsel for the CDA has been confronted regarding the present situation, whereby he contends that instant matter may now be considered by the allotment scrutiny committee at the first instance and there-after the same will be placed before the CDA Board for its final decision.

7. Be that as it may, instant criminal original petition stands disposed of with direction to the CDA to do the needful in compliance of judgment dated 24.12.2018, passed in ICA No.367/2015 within period of 30 days by all means. However, they are not barred

from taking any undertaking from the applicant qua the  
non-utilization of eligibility certificates till date.

**(BABAR SATTAR)**  
**JUDGE**

**(MOHSIN AKHTAR KAYANI)**  
**JUDGE**

Zahid