ORDER SHEET.

IN THE ISLAMABAD HIGH COURT, ISLAMABAD.
JUDICIAL DEPARTMENT.

W.P. No. 3668/2015

Rizwan Pervaiz.

VS

CDA, Etc.

S. No. of order/ proceedings	Date of order/ proceedings	Order with signature of Judge and that of parties or counsel where necessary.
	09.09.2020.	Mr. Muhammad Umer Khan Vardag, Advocate. Mr. Ghulam Shabbir Akbar, Advocate for CDA.

Petitioner invoked the constitutional jurisdiction of this Court by way of filing instant petition under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973 seeking directions to the respondents to remove the encroachment made by the Respondent No.3, upon the green area of Street No.2, F-7/3, Sector Shalimar, Islamabad and rstore open green area.

2.   At the very outset, learned counsel for petitioner apprised that the petitioner had no knowledge of filing of suit for declaration and permanent injunction by Respondent No.3 regarding the area subject matter of the present petition. However, he came to know about the said suit on 11.02.2016, when during hearing of present petition learned counsel for CDA apprised the Court that encroachment could not be removed due to stay order dated 06.10.2015, passed by the learned trial Court in Respondent No.3's suit titled "Mst. Shaheen Farooq Vs. CDA, etc. Thereafter, petitioner filed application u/o 1 Rule 10 CPC which was allowed, vide order 27.11.2018, and he was impleaded as a necessary party in the above said suit. However, learned counsel contended that the petitioner would be satisfied if a direction

regarding early decision of above said suit is issued to the learned trial Court.

3.　　In this view of the matter, instant writ petition is **disposed of**, however, it is expected from the learned trial Court seize of the suit titled "Mst. Shaheen Farooq Vs. CDA, etc, that same shall be decided within the shortest possible time considering that the interim injunction is operating in the matter for about five years.

(LUBNA SALEEM PERVEZ)
JUDGE

M JunaidUsman