

ORDER SHEET.

IN THE ISLAMABAD HIGH COURT, ISLAMABAD.
JUDICIAL DEPARTMENT.

Writ Petition No.1462-2021

Arsalan Tahir, etc

Versus

Capital Development Authority, etc

S. No. of order/ proceedings	Date of order/ Proceedings	Order with signature of Judge and that of parties or counsel where necessary.
02.	23.4.2021.	Ms.Saeeda Mirbaz, Advocate for applicant.

C.M.No.1811/2021.

This is an application for placing additional documents on record. For the reasons stated therein, same is allowed subject to all just and legal exceptions. The status of the documents will be considered at the time of final arguments.

C.M. No.1812/2021.

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

Main Case.

Through this writ petition, the Petitioners have assailed the order dated 09.4.2021, issued by Deputy Director Building Control-II, CDA whereby a direction was issued to the SHO PS Lohi Bher, Islamabad for registration of an FIR against the Petitioners for breaking the seal of building constructed on plot No.Cp-2, Block-H, situated in Civilian Employees Cooperative Housing Society, Soan Garden Islamabad.

2. Learned counsel for the Petitioners *interalia* contends that Petitioners are owner of building in question and have got approval of building plan from the Civilian Employees Cooperative Housing Society, Soan Garden

Islamabad in the year 2018, started construction of the building thereon, however, CDA Authority had taken action against the Petitioners and sealed the building on the ground that no approval has been sought from the CDA. It is further contended that Petitioners applied for the approval of the building plan and had deposited the requisite amount but till date CDA Authority has not yet given the approval and impugned order has been issued although Petitioners have neither broken the seal nor further construction has been raised.

3. Let pre-admission notice be issued to the respondents through registered post A.D and TCS at the expense of the petitioners. The Chairman, CDA, shall depute a responsible officer of the concerned Directorate where application filed by the Petitioners for approval of construction of building plan is pending, who shall appear before this Court and submit reasons as to why application given by the Petitioners has not yet been decided.

4. Adjourned to **04.5.2021**.

(MOHSIN AKHTAR KAYANI)
JUDGE

