

ORDER SHEET.

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

Writ Petition No.1462/2021

Arsalan Tahir, etc

Versus

CDA, etc.

S. No. of order/ proceedings	Date of order/ Proceedings	Order with signature of Judge and that of parties or counsel where necessary.
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(05)

07.7.2021.

Ms.Saeeda Mirbaz, Advocate for Petitioners.
Mr.Muhammad Nazir Jawwad, Advocate for CDA.
Malik Talat Hussain, Advocate for respondent No.3.
Barrister Muhammad Mumtaz Ali, AAG.
Mr.Qaiser Masood, Additional Director FIA.
Mr.Tabish Javed, SI/I.O FIA/CCC.

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. After hearing the parties at length it is an admitted position emerges on record that the layout plan and NOC of the Civilian Employees Cooperative Housing Society, Islamabad, has been cancelled by CDA and this position has been confirmed by CDA as well as by FIA official who has conducted forensic audit of the said society on the direction of the Apex Court. As per FIA report following illegalities have been observed:-

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S.#	Subject Area	Brief description of the Irregularities/Illegalties identified during audit.
1.	Purchase and Sale related matters.	Allotted hundreds of plots through Malik & Co. on affiliated land without transfer of ownership. Purchase of land at exorbitant rates for Soan Garden Phase-II at Fatehjang.
2.	Developments and related matters	Development agreements executed without following PPRA Rules. Record not provided.
3.	Layout plan (LOP) & related matters.	LOP & NOC cancelled by CDA due to violations of LOP at massive scale. Amenities are not in place as per LOP. Development of H Block without approval of LOP/NOC. Penalties not paid to CDA.
4.	Plot and related matters.	FIR 01/17 registered regarding creation of 198 plots reducing sizes of thousands of plots. 21 residential plots converted into commercial plots. 23 residential plots were subdivided into 69 plots. FIR No.02/17-hundreds of plots allotted with transfer of ownership of land.
5.	General compliance with applicable laws and other guidelines.	CDA rules & laws not followed.
6.	Accounting controls & records.	
7.	Pending litigations.	Yes
8.	Any other special observations.	Already various cases are registered at FIA Corporate Crime Circle which are under trial.

2. Keeping in view the above position learned counsel for respondent society has been confronted who conceded that layout plan and NOC of the society has been cancelled but transfer, sale and purchase of

plots of the society and construction are still going on.

3. At this stage, learned counsel for the petitioners contends that respondent No.3/society is responsible for all illegalities as due to their conduct NOC as well as LOP of the society was cancelled as a result whereof petitioners are suffering though no fault of their own and they have already raised construction by spending million of rupees and their premises have been sealed by the CDA. She further contends that respondent No.3/society shall be restrained from receiving any transfer fee, allotment charges, development charges or any other charges unless NOC/LOP is restored by the CDA and till then no criminal case be registered against the petitioners as they have not violated any of the direction of the CDA.

4. Learned counsel for the CDA acknowledged before this court that LOP & NOC of the society/ respondent No.3 has already been cancelled and construction of the petitioners have been sealed.

5. In view of above, status quo be maintained till the next date of hearing and respondent No.3 is also restrained from receiving any charges from the residents of the society including the petitioners in the name of approval of site plan/construction plan or transfer fee till the next date of hearing. Respondent No.3 shall also submit efforts and progress made by the Executive

Committee for restoration of their LOP & NOC in the office of CDA and shall also apprise this court qua the legal impediment in their way.

6. Adjourned to 13.9.2021.

(MOHSIN AKHTAR KAYANI)
JUDGE

M.S.Zaki.

