

ORDER SHEET.

IN THE ISLAMABAD HIGH COURT, ISLAMABAD.
JUDICIAL DEPARTMENT.

W.P No. 753/2016

Saleem Ullah Khan

Versus

The Federation of Pakistan, etc.

S. No. of order/ proceedings	Date of order/ Proceedings	Order with signature of Judge and that of parties or counsel where necessary.
(10)	06.05.2016	Mr. Saleem Ullah Khan Advocate, (petitioner in person). Muhammad Haseeb Ch. Standing Counsel. Ms. Shazia Bilal, State Counsel. Mr. Sadaqat Nazir (Survey Officer) & Mr. Zafar Ullah Surveyor on behalf of Surveyor General of Pakistan/respondent No. 3.

MOHSIN AKHTAR KAYANI J. Through the instant writ petition, the petitioner has raised the question relating to determination of territorial jurisdiction of PWD Society in terms of notification SRO 83 (KE)/2002 dated 01.08.2002 issued by Ministry of Interior and Narcotics Control (Interior Division) published in gazette of Pakistan, extraordinary, part-II dated 1st August, 2002 in exercise of the powers, conferred by Clause (K) of Section-II of Islamabad Rent Restriction Ordinance, 2001.

2. In view of question raised in the instant writ petition a notice was issued to Federation of Pakistan, Ministry of Interior and Narcotics Control (Interior Division) and Surveyor General of Pakistan. In response to these notices Advocate General of Pakistan as well as Surveyor General of Pakistan have placed their comments and reports in order to determine the question raised.

3. However, in view of the problems raised in different rent petitions before the learned Rent Controllers of District East and West Islamabad, it is necessary to

determine the territorial jurisdiction of notification SRO 83 (KE)/2002 dated 01.08.2002 issued by Ministry of Interior and Narcotics Control (Interior Division) published in gazette of Pakistan, extraordinary, part-II dated 1st August, 2002 in exercise of the powers, conferred by Clause (K) of Section-II of Islamabad Rent Restriction Ordinance, 2001, whereas the gazette notification is reproduced below:-

"In exercise of powers conferred by clause (k) of section 2 of the Islamabad Rent Restriction ordinance, 2001 (IV of 2001), the Federal Government is pleased to specify the areas mentioned in the table below to be urban areas for the purpose of the said Ordinance, namely:-

THE TABLE

Starting from a point near Mandla village at Map Reference Q.231660, the boundary turns to the south and joins, the Nullah at Map Reference 231645. From this point boundary lines runs along the eastern bank of Chang Kass Nullah upto the junction of the Nullah with Murree Road at map Reference 235624.

From this point, the boundary line runs along the eastern bank of Chang Kass Nullah till it reaches the confluence with Kurang river at map Reference 240612. From this point, the boundary follows the left bank of Kurang river till it joins the Rawal lake from where it follows the highest flood level contour till it reaches the spill way of Rawal Dam from where it again follows the left bank of Kurang river till it reaches the horizontal grid line 1153000 towards west till it reaches the eastern right of way of Shahrah-e-Islamabad at map Reference 158534. From here the boundary line runs towards south east parallel to existing Islamabad Highway (600 toward east) crossing the Lehtrar Road Airport Link Road crossing Railway line and soan bridge with Kahuta Road upt existing grand trunk road at Map Reference 529353. Then towards north west upto 1200 feet Map Reference 252356. From here it goes back upto Faizabad Grid Reference 152532 Parallel to existing Islamabad Highway (600 towards west).

From this point, the boundary line runs south of Khayabane-e-Sir Syed and coincides with Capital Boundary which runs in a straight line till it reaches a point at Map Reference 067474 (300 feet 988 south of IP. 73) then it continues in south-westerly direction for 300 feet Map Reference 066473). Then the boundary runs in north-westerly direction up to a point at Map Reference 054491. From this point, the boundary line goes in south-westerly direction to a point at Map Reference 038480. From this point, the boundary line follows the right of way of G.T. Road and eastern right of way of Golra road till it reaches Map Reference 036484 and then to the north-eastern corner of Jerry Can Factory, then along the northern and then the western boundary wall of Jerry Can Factory till the boundary joints the Northern ROW of G.T. Road at Map Reference 033482, and after crossing the G.T. Road, continues along southern right of way of G.T. Road to a point at Map Reference 037479. From this point, the boundary line runs south, east to point Map Reference 049462. From this point the boundary line runs in south westerly directions to a point Map Reference 980416. From this point boundary line takes a turn towards north west and runs in a straight line to a point at Map Reference 878560. From this point it turns slightly towards north west and runs upto a spot height 2326 at Map Reference 872567. From here it turns in eastern direction and crosses G.T. Road at Map Reference 884570. From here it continues in south easterly direction and joins the bench mark of 1770 at Railway line Map Reference 912560. From here it runs towards north east and passes through spot height 1982 at a Map Reference 935567 and spot height 2098 at Map Reference 950570, and then runs in the eastern direction till it passes through spot height 2133 at Map Reference 977580, south of village Shah Allah Ditta, and extends to spot height 2233 at Map Reference 354584 and runs along Margallah Hills slopes till it joins starting point at Map Reference 231660 near Mandla Village.

The Surveyor General of Pakistan was directed to provide the details with map reference (Eastings and Northings) and marked the boundary pillar on the map issued by the Surveyor General of Pakistan. In compliance of said direction respondent No. 3 has provided the certified true

copies with demarcated map in terms of map reference notified in the SRO 83 (KE) 2002, the said map is marked as Mark-A and is placed on record. In view of said notified map the question raised in the instant petition has been cleared as PWD Housing Society does not fall within the territory of notification in terms of IRRO, 2001.

4. However, in view of growing problems faced by the learned Rent Controllers, the boundary notified areas which falls within the limits of Section-2 (K) IRRO 2001 according to SRO 83 (KE) 2002 have been determined with the help of Surveyor General of Pakistan in the following manners:-

Serial No.	Description of landmark	Map Reference: Eastings & Northings	Boundary Pillar Shown on the map produced
1.	Village Mandla	231-660	BP-1
2.	Boundary joins nullah	231-645	BP-2
3.	Junction of nullah with Murree Road	235-624	BP-3
4.	Confluence with Kurang river (at Dhok Sanjalian)	240-612	BP-4
5.	Boundary follows the left bank of Kurang river towards west till it reaches the eastern right of way of Islamabad Highway (Muree Road/IJP road junction /Faizabad crossing	158-534	BP—5
6.	Boundary runs alongwith the eastern side of Islamabad Highway upto Toll Plaza on Islamabad Highway/GT road junction	259-353	BP-6
7.	Boundary crosses over to the western side of the Islamabad Highway.	252-356	BP-7

8.	From here, the boundary goes back to Murree Road/IJP road junction/Faizabad crossing.	152-532	BP-8
9.	From here the boundary runs in a straight line adjacent to the south western side of IJP Road till it reaches a point on the southern side of Sector I-12 of Islamabad.	067474	BP-9
10.	Then the boundary continues in south westerly direction upto a point at the lower left corner of sector I-12	066473	BP-10
11.	Then the boundary runs in north westerly direction upto a point i.e., the upper left corner of sector I-12.	054491	BP-11
12.	From this point the boundary goes in south westerly direction to a point (BP-12)	038-480	BP-12
13.	From this point the boundary follows the right of way of G.T. Road and eastern right of way of Golra Road till it reaches a point on the map i.e. BP-13.	036484	BP-13
14.	From here the boundary follows the course i.e., the north eastern corner of Jerry Can factory, then along the northern and then the western boundary wall of Jerry Can factory till the boundary joins the northern row of G.T. Road	033-482	BP-14
15.	After crossing G.T. Road the boundary continues along southern right of way of G.T. Road to a point on the upper	037-479	BP-15

	right corner of sector I-14.		
16.	From this point the boundary runs south east to a point.	049-462	BP-16
17.	Thenceforth, the boundary line runs in south westerly direction to a point.	980-416	BP-17
18.	From this point the boundary goes north west in a straight line to a point.	878-560	BP-18
19.	From this point the boundary goes to a point.	872-567	BP-19
20.	From there the boundary turns east, crosses G.T. Road at a point.	884-570	BP-20
21.	From there it takes south easterly direction till it joins the railway line at a point.	912-560	BP-21
22.	From there the boundary goes north east to a point in the Margalla Reserve Forest.	935-567	BP-22
23.	Then the boundary goes to a point in the said forest.	950-570	BP-23
24.	From there it goes to a point in the forest (passing south of village Shah Allah Ditta).	977-580	BP-24
25.	From here, it goes to a point.	354-584	BP-25
26.	Then the boundary turns towards north east upto a point.	358-590	BP-26
27.	From there the boundary, in a straight line, joins with BP-1 = BP-27 i.e., village Mandla, the starting point of the boundary	231-660	BP-1

5. In view of above, following areas which are located on the boundary lines of notified reference points of SRO 83 (KE) falls within the jurisdiction of Rent Controller Islamabad in terms of IRRO, 2001 (i) Village Mandhla

upto Dhoke Jilani till Korang Nala (ii) Village Malpur, Rawal Town, Margalla Town, Dhoke Mora Malaal (iii), Islamabad Highway upto G.T Road Toll Plaza Crossing Lathrar Road, Airport Link Road Crossing, Railway, Sohan Bridge with Kahuta Road (only Islamabad Highway is included). (iv) Sector I-8, I-9, I-10, Sabzi Mandi, I-11, I-12 Dhoke Feroz Khan Sector I-14, I-15, I-16, G-16 complete Zone-I, complete Zone-II CDA, Islamabad, Toll Plaza Motorway, Naguzi, Dhoke Sayedan Sanjani, Fecto Cement Limited, Saray Kharboza, Sector D-12, Seri Saral, Sector E-9, Kalinjar, International Islamic University, Faisal Mosque, Damn-e-Koh, Bari Imam, Noor pur Shah, Jabi, Bajrana, Quaid-e-Azam University, Mandhla.

6. Beside above mentioned boundary line said notification covers all Sectors of Islamabad uptill last boundary line falls within the jurisdiction of IRRO 2001.

Sectors included in IRRO, 2001 are hereinunder:-

From	To
I-8	I-17
H-8	H-17
G-5	G-17
F-5	F-17
E-7	E-17
D-12	D-17
C-17	
B-17	

7. The Surveyor General of Pakistan has provided four (04) copies of map of Islamabad District with marked reference in terms of notification SRO 83 (KE) 2002, the Registrar of this Court is directed to provide three (03) copies to the District and Sessions Judge, East and West, Islamabad for their further reference to resolve the territorial issues in all rent cases, all Rent Controllers are

also directed to verify their pending cases in accordance with these directions as to whether their cases (leased property) falls within the notification SRO 83 (KE) and proceed further accordingly. Resultantly, the instant writ petition is allowed in above terms.

(MOHSIN AKHTAR KAYANI)
JUDGE

Ramzan

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