

IN THE SUPREME COURT OF PAKISTAN

(Original Jurisdiction)

Present:

Mr. Justice Muhammad Ali Mazhar

Mr. Justice Syed Hasan Azhar Rizvi

Mr. Justice Irfan Saadat Khan

Cr1.O.P.4-K/2023 in Const.P.9/2010

(Application for contempt of Court filed by affectees of Gujar

Nallah, Orangi Nalla and Mehmoodabad Nallah)

Shehri -Citizens for a Better Environment & others ...Petitioners

VERSUS

Murad Ali Shah ...Respondent

For the Petitioners: Mr. Faisal Siddiqi, ASC

For Respondent:

Mr. Sibtain Mehmood, Addl. AG
Mr. Suresh Kumar, Addl. AG
Ms. Lubna Pervez, AOR
Mr. Umar Lakhani, ASC
Ms. Abida Parveen Channar, AOR
Dr. Fakhar Alam, Chief Secretary Sindh
Mr. Muhammad Saleem Rajpoot,
Commissioner Karachi
Mr. Manzoor Ahmed Sheikh, Addl. Chief
Secretary
Barrister Murtaza Wahab, Mayor Karachi
Syed Mohsin Hussain Shah, Focal Person to
Chief Secretary
Mr. Abdul Qadir Memon, Consultant Law to
Chief Secretary
Mr. M. Usman Moazzam, Project Director
Mr. M. Khurshid Mukarram, Director
Environment
Mr. Sohail Rana, DD
Mukhtiarkar Faiz Gunj, Dist. Khairpur
Mr. Aamir Younis, Sr. Chief Development
Mr. Fateh Muhammad, SEP
Mr. Ghulam Rasool Abbasi, EE
Mr. Altaf Memon, DD

Date of Hearing: 21.12.2023

ORDER

Vide paragraph-3 of our order dated 17.08.2023 (**the said order**), certain modalities were settled to deal with payment of rental amount and compensation/alternate land to the affectees. As far as the issuance of the cheques on account of rental payments are

concerned, the order has been complied with substantially and, out of 6932 affectees, the cheques have been released to 6471 affectees and the remaining figure of affectees is only 461 persons whose cheques are ready but they did not contact to receive their cheques and, according to the focal person nominated by the Commissioner Karachi, among these 461 persons, the whereabouts of some affectees are not known, while some cheques could not be issued due to blockage of CNIC or death of the affectees.

2. Mr. Faisal Siddiqi, learned ASC appearing for the affectees, proposed that a list of the aforementioned 461 persons/affectees may be provided to him so that he may make efforts to contact them in order to release their cheques after due verification by the Commissioner's office. Let the focal person of the Commissioner's office provide Mr. Siddiqui the aforementioned list. In order to expedite the process of delivering due cheques, the Commissioner's office shall also publish/release public notices in the local newspapers, both in Urdu and Sindhi languages for the information of the remaining affectees who have not yet collected their cheques.

3. In clause (vi) of paragraph-3 of the said order, two more situations were also jotted down in clauses (a) and (b) for accommodating the affectees, either through alternate plots or payment of cost of plot and construction. For ease of reference, clause (vi) of paragraph-3 of the said order is reproduced hereunder:

“vi. The next issue is with regard to the rehabilitation scheme of the dispossessed persons from the Gujjar Nallah, Orangi Nallah and Mehmoodabad Nallah. After due deliberation the Chief Minister Sindh, Mayor Karachi and other senior officials of the Government of Sindh, have forwarded two proposals which are under:-

- a) The Government of Sindh will release the amount to each of the 6932 affectees for purchase of land and construction according to the market value of the piece of land from where the 6932 affectees were dispossessed. So far as the cost of construction is concerned, the standards laid down by the Pakistan Engineering Council for the construction of house measuring 80 square yards will be followed.
- b) In the alternate, the Government of Sindh shall allot a plot measuring 80 square yards to each of the 6932 affectees situated at Malir Development Authority and after handing over peaceful vacant possession of 80 square yards piece of land, with title and free from all encumbrances, the cost of construction will also be

paid to each of the 6932 affectees in accordance with the standards set out by the Pakistan Engineering Council for the construction of house measuring 80 square yards.”

4. In paragraph-4 of the said order, it was further mentioned that the learned counsel for the affectees will discuss both the options with the affectees and intimate this Court through a concise statement which was not done earlier, but today, learned counsel for the affectees submits that according to him both the options can be adopted and he further argued that the Government of Sindh should be first allowed to decide which option is more suitable to wind-up the issue in terms of the Court Order, for which the Chief Secretary, Mayor Karachi and Commissioner Karachi jointly made a request to allow them some time for an appropriate decision and roadmap. They are directed to expedite the matter and submit a report within a period of 15 days with a proper timeline for the compliance of the order. Let the report be placed before the Bench in Chambers. Adjourned for the next session. This order shall be uploaded to the Supreme Court website for providing information of today’s proceedings to the affectees.

Judge

Judge

Judge

KARACHI

21st December, 2023

Not approved for reporting

Aludassar/*