

IN THE SUPREME COURT OF PAKISTAN

(Original Jurisdiction)

Present:

Mr. Justice Muhammad Ali Mazhar
Mr. Justice Syed Hasan Azhar Rizvi

Crl.O.P.4-K/2023 in Const.P.09/2010

**(Application for Contempt of Court filed by affectees of Gujar
Nallah, Orangi Nallah and Mehmoodabad Nallah)**

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

Versus

Murad Ali Shah ...Respondent

For the Applicants: Mr. Faisal Siddiqi, ASC
Mr. Syed Mahmood Abbas, AOR with
Mrs. Ambar Ali Bhai
Ms. Abira Ashfaq
Syeda Maria Raza
Mr. Abdul Basit Afridi
Arsalan Anjum

For Respondent: Syed Murad Ali Shah, C.M.Sindh (in person)

On Court Notice: Mr. Muhammad Hassan Akbar, A.G. Sindh
Mr. Suresh Kumar, Additional A.G.
Syed Saulat Rizvi, Additional A.G.
Barrister Zeeshan Adhi, Addl.A.G.
Qazi Muhammad Bashir, Addl.A.G with
Mr. Murtaza Wahab, Mayor, Karachi
Dr. Muhammad Sohail Rajput, Chief Secretary
Mr. Muhammad Iqbal Memon, Commissioner
Syed Najam Ahmed Shah, Additional Chief
Secretary (Local Government)
Syed Afzaal Zaidi, Municipal Commissioner
Syed Mohsin Hussain Shah, Focal Person to C.S.
Mr. Abdul Qadeer, Consultant to C.S.

Date of Hearing: 17.08.2023

ORDER

Muhammad Ali Mazhar, J. This matter was fixed yesterday when the learned counsel for the applicants argued that the orders passed by this Court on 14.06.2021, 22.09.2021 and 25.10.2021 (the "**Orders**") have not been complied with by the Government of Sindh, hence, an application has been filed for initiating contempt proceedings against the Chief Minister, Sindh. After a preliminary hearing, we issued notices to the Chief Minister, Sindh, the Advocate General Sindh, the Chief Secretary, Government of Sindh, the Mayor Karachi, and the Commissioner Karachi.

2. The learned counsel for the applicants invited our attention to the Orders previously issued, and the directions contained therein for compliance, and expressed their grievance that the Orders were not complied with in letter and spirit. The Chief Minister, Sindh and Mayor Karachi also referred to the previous Orders and explained why the timelines fixed in the Orders were not complied with and also expressed regret for non-filing of the progress report in Court. After hearing the issue involved at some length, and before formally initiating contempt proceedings, the Court asked the Chief Minister Sindh, Mayor Karachi and other Government Officials whether they are sincerely dedicated to the implementing the Orders passed by this Court for compensating and rehabilitating the affectees of **Gujjar Nallah, Orangi Nallah and Mehmoodabad Nallah**, who were dispossessed from their abodes. The Chief Minister and other officials present in Court in one voice showed their willingness to resolve the matter sincerely and both the parties exchanged different proposals *vice versa* in order to settle the matter in the best interest of the affectees/dispossessed persons who are waiting for the fulfillment of the promises made to them for compensation and rehabilitation and such undertakings were also recorded in the Court's Orders, including disbursement of amount on account of rental support per household in the sum of Rs.15,000/- for two years. At this juncture, the learned counsel for the applicants argued that two (02) tranches of cheques, each worth Rs.90,000/- are due as per Court order dated 14.06.2021, which were not released despite lapse of a considerable period. The Chief Minister, Sindh assured that the cheques will be prepared and delivered.

3. By consent, the mechanism of making payment of rental support and proposal of rehabilitation are jotted down as under:

- i. According to agreed statistics, the total affectees of Gujjar Nallah, Orangi Nallah and Mehmoodabad Nallah stand at 6932. The cheques of those affectees who have not received their cheques shall be prepared within 7 days' time without any further delay or excuse.
- ii. The cheques will be released in two (02) tranches of Rs.90,000/- each which is due as per the aforesaid Court order.
- iii. The unpaid affectees may collect their cheques for the aforesaid period within 30 days. The timeline of 30 days is fixed to ensure timely payment to the affectees and, in case any affectees due to some reasons beyond his control failed to collect the cheque, he will not be deprived of his right of

compensation and may also approach the authority for the disbursement of his cheques.

- iv. The cheques will be disbursed from the Office of the Deputy Commissioner, Karachi (South) under the supervision of the Commissioner's Office; and the Commissioner Karachi, present in Court, undertakes that he will personally supervise the fair disbursement of the cheques amongst the affectees. In case of any complaint due to delay or non-release of cheques, the affectees may file their complaint to the Additional Commissioner-II, who is appointed as a focal person by the Commissioner, Karachi to ensure that the complaints, if any, with regard to non-issuance of cheques, delay in release of cheques or any other complaint in this respect shall be taken up immediately and resolved.
- v. The cheques may be collected by the affectees from the office of Deputy Commissioner, Karachi (South) between 10 A.M. and 2 P.M. daily in the working days and until all cheques are released to the affectees, the Deputy Commissioner, Karachi (South) will continue the window for the affectees. The Deputy Commissioner, Karachi (South) is also directed to ensure in his office the timely release of cheques, facilitation to the affectees in the process and removal of all difficulties that they might face.
- 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. The learned counsel for the applicants has agreed to the extent of the timeline and the mechanism of rental payment as laid down in paragraph 3 clauses (i) to (v) of this order. So far as the proposals recorded in paragraph (vi) clauses (a) & (b) are concerned, he wants to seek instructions from the affectees and file a concise statement in the Court before next date of hearing.

5. The Officials present in Court also assured us that in order to ensure the timely disbursement of cheques to the unpaid affectees, the Government of Sindh through Information Department shall also release Public Notices in the vernacular newspapers for the information of the affectees so that they may easily collect their cheques from the Office of the Deputy Commissioner, Karachi (South) and also consider the proposals placed by the Government of Sindh for the rehabilitation scheme and instruct their advocates/representatives accordingly.

6. It is clarified this order is without prejudice to the application moved by the applicants for initiating contempt proceedings which will remain intact and pending for further proceedings if the matter is not resolved in view of the undertaking and proposals presented before the Court today.

7. The Chief Minister Sindh has assured us that proper allocation of funds have been made for releasing compensation on account of rental support to the affectees and before leaving the Office of C.M, Sindh, he will also issue necessary instructions for due compliance of order to all concerned, hence, till further orders, his personal appearance is dispensed with.

8. The interim compliance report of issuing cheques shall be filed in this Court on or before 11.9.2023 which will be placed by the Office in chamber.

9. The matter may be fixed after one month.

10. Office is directed to upload this order on Supreme Court website forthwith for the information of affectees.

Judge

Judge

KARACHI

17th August, 2023

Not approved for reporting.