

REGISTERED



No. CDA/PLW/UP(124)/2019/ /SIC

Islamabad, 18th May, 2020

**Subject:- WRIT PETITION NO. 1575/2018, TITLED FARID AHMAD VS
CAPITAL DEVELOPMENT AUTHORITY
[REGARDING GHOURI TOWN IN ZONE- 4 & 5, ISLAMABAD]**

Ref:- In continuation of this office letter Nos. CDA/PLW/UP(124)/2019/529, 566, 887, 990, 1062, 1218, 113 & 243, dated 05-7-2019, 17-7-2019, 18-9-2019, 16-10-2019, 06-11-2019, 16-12-2019, 21-01-2020 & 24-02-2020, respectively, reading the subject matter.

1346 1-6-2020
It is stated that Honorable Chief Justice of Islamabad High Court, Islamabad, has disposed of the subject Writ Petition, on **28-6-2019**, as under:

"The Petitioners in all these petitions have invoked the jurisdiction of this Court under Article 199 of the Constitution because they were aggrieved on account of inaction on part of the Capital Development Authority and the Civil Administration of the Islamabad Capital Territory. During the pendency of these petitions action was taken against those who were found to be involved in committing violations of the provisions of the Capital Development Authority Ordinance, 1960 and the regulations made there under. This Court vide order, dated 20-6-2019 had directed the Capital Development Authority to nominate an officer who shall be exclusively responsible to ensure that complaints received from the inhabitants of the settlement known as "Ghouri Town" are considered and action is taken in accordance with law.

2. When the petition was taken up today, the learned counsels for the Capital Development Authority submitted notification, dated 27-6-2019 issued in compliance with the direction given by this Court vide order, dated 20-6-2019. The learned counsels for the petitioners have stated that they would be satisfied at this stage, if these petitions are disposed of by directing the Capital Development Authority to place the issue of the unauthorized settlement known as "Ghouri Town" before the Commission constituted pursuant to direction given by this Court in judgment, dated 09-7-2018, passed in W.P No. 676 of 2017, titled Shahzada Sikandar ul Mulk & 4 others. It is noted that the said judgment has attained finality since it was upheld by the august Supreme Court. Admittedly, the Commission has been constituted and an assurance has been given on behalf of the Authority that soon it would become functional.

3. In view of the above, these petitions are disposed of and the Capital Development Authority is directed to place the matter regarding "Ghouri Town" settlement before the Commission constituted pursuant to the direction given in the aforementioned judgment. This Court

expects that the Capital Development Authority will ensure that the provisions of the Capital Development Authority Ordinance, 1960 and the regulations made there under are implemented in letter and spirit so that further unauthorized construction is prevented in the unauthorized settlement known as "Ghouri Town". This Court further expects that the Commission constituted pursuant to the direction given in the judgment of Shahzada Sikandar ul Mulk & 4 others supra will complete its proceedings at the earliest.

2. As per Clause-2(14) of ICT Zoning Regulation, 1992, "**Illegal Construction**" means construction carried out without the permission of the Authority and in contravention of Rules and Regulations or any Laws for the time being in force in the ICT"

3. It has already been declared by the Superior Judiciary that all Construction of Buildings, Development of Illegal Settlements, Land Sub-Divisions, in violation of the CDA Ordinance 1960 read with the Pakistan Capital Regulation (MLR) 1982, Master Plan of Islamabad 1960, provisions ICT (Zoning) Regulations 1992 and Islamabad Capital Territory Building Control Regulation 2020, are Illegal.

4. The sponsors of the Ghouri Town are, therefore, directed to stop making any publicity, marketing, sale of plots and making any type of construction, development in violation of provisions of Master Plan of Islamabad 1960 read with the Pakistan Capital Regulation (MLR) 1982, ICT Zoning Regulations 1992, Islamabad Capital Territory Building Control Regulation 2020, Islamabad Capital Territory Building Control Regulation 2020, and amendments made there under.

5. **Directorates of Regional Planning & Housing Societies, CDA,** are therefore requested to initiate action, against Illegal Works and Use of Land in contravention of the provisions of CDA Ordinance 1960 read with the Pakistan Capital Regulation (MLR) 1982 & Section-5 of the ICT Zoning Regulation 1992.

6. **Directorate of Enforcement, CDA,** is therefore requested to initiate action, against Illegal Works/Structures/Buildings being Constructed/Erected and Land being Used in contravention of the provisions of CDA Ordinance 1960 read with the Pakistan Capital Regulation (MLR) 1982 & ICT Zoning Regulation 1992, under Section 49-C of CDA Ordinance 1960, Clause 5(i) of ICT Zoning Regulations 1992, Clause-3(2) read with Schedule-II, Part-VI (2&3) of CDA Conduct of Business Regulation, 1985.

7. **Directorate of Building Control-2, CDA,** is requested to initiate action against all Illegal Structures/Buildings being Constructed/Erected in contravention of the provisions of CDA Ordinance 1960 the Pakistan Capital Regulation (MLR) 1982, ICT Zoning Regulation 1992 and Islamabad Capital Territory Building Control Regulation 2020, under Section 49-C of CDA Ordinance 1960, Clause 5(i) of ICT

Zoning Regulations 1992 and relevant provisions of Islamabad Capital Territory Building Control Regulation 2020.

8. It is further requested to make sure that complaints received from the petitioners or inhabitants of Ghouri Town regarding illegal construction will be acted upon as soon as they are received, under intimation to this office.

(IJAZ AHMAD SHEIKH)
Director Urban Planning

Distribution-1:-

1. Director Master Plan, CDA/Secretary Federal Commission to Review Maser Plan of Islamabad
2. Director Regional Planning, CDA
3. Director Housing Societies, CDA
4. Director Enforcement, CDA
5. Director Building Control-2, CDA
6. **M/s Raja Ali Akbar & Co.**
Al-Rehman Associates, Sponsors of the Ghouri Town,
Service Road, Ghouri Town,
Islamabad Expressway, Islamabad

Distribution-2:-

1. **Deputy Commissioner, ICT, Islamabad**

It is requested to issue necessary directions to concerned **Magistrate** in compliance of Para-21 (iii) of the Islamabad High Court Judgment in ICAs Nos. 83/2017, 84/2017, 20/2018 & 21/2018, dated 12-7-2018.

It is further requested to issue necessary directions to Tehsildar, ICT, Islamabad, that Registrations & Execution of Mutations of Land by the Sponsors of Illegal Works/Structures/Buildings/ Landuses, may not be entertained.

2. **S.S. P. Islamabad**

It is requested to issue necessary directions to concerned **SHO** in compliance of Para-21 (iii) of the Islamabad High Court Judgment in ICAs Nos. 83/2017, 84/2017, 20/2018 & 21/2018, dated 12-7-2018.

3. **Joint Registrar of Companies, Securities & Exchange Commission of Pakistan, Islamabad**

It is requested to initiate action against Sponsors of Illegal Scheme, under the provisions of SECP Ordinance and Rules & Bye-laws framed there under.

4. **Deputy Commissioner, CDA**

It is requested to initiate proceedings against Sponsors of Illegal Works/Structures/Buildings, under the provisions of Clauses 5(i) & (iii), Chapter-IV of ICT (Zoning) Regulation, 1992, read with Section 46, 46-B and 49-C of CDA Ordinance, 1960.

5. **Chief Executive, Islamabad Electric Supply Company (IESCO), Islamabad,**

It is requested that Service Connections may NOT be provided to the Illegal Works/Structures/Buildings/Landuses.

6. **General Manager, Sui Northern Gas Pipelines Limited (SNGPL), Islamabad**

It is requested that Service Connections may NOT be provided to the Illegal Works/Structures/Buildings/Landuses.

7. **Regional General Manager, Pakistan Telecommunication Corporation Ltd. (PTCL), Islamabad**

It is requested that Service Connections may NOT be provided to the Illegal Works/Structures/Buildings/Landuses.

8. **Director (L&R), CDA**

It is requested to direct his staff to be vigilant, observe strict watch and ward of the Illegal Works/Structures/Buildings/Landuses and make sure that no CDA Land is being Encroached by the Sponsors, in any manner whatsoever.

9. **Director Environment (East), MCI**

It is requested to initiate action against Sponsors of Illegal Works/Structures/Buildings/Landuses, under the provisions of Islamabad Preservation of Landscape Ordinance, 1966 and Islamabad Preservation of Landscape Rules, 1967 and CDA Environmental Protection Regulation, 2008.

10. **Director Roads (South), CDA**

It is requested to initiate action against this Scheme having Illegal Access from Islamabad Expressway.

11. **Director Municipal Administration, MCI**

It is requested to direct the concerned staff to be vigilant and observe strict watch and ward and make sure that No Advertisement of Illegal Works/Structures/ Buildings/Landuses is permitted in the ICT Limits.

12. **Director Public Relations, CDA**

It is requested to advise Print and Electronic Media to advertise Private Projects/ Schemes only with prior Permission/ NOC/ Approval of CDA, in best interest of the public at large.

It is further requested to share this letter with the Print & Electronic Media, for awareness of the General Public.

13. **Director (I.T), CDA**

It is requested to Up-loaded this Complete Letter on CDA Website for Awareness the General Public.

14. **Dy. Dir (RP), Project Manager Zone-4 & Dy. Dir (HS-II), CDA**

They are directed to ensure regular Site Visits in their area of jurisdiction, submit Reports to the undersigned through their respective Directors, Co-ordinate and extend Full Assistance to Enforcement & Building Control-2, Directorates of CDA.

They are further directed to peruse the matter with other Nation Building Departments, have proper follow-up and submit reports regularly, to the undersigned through their respective Directors.

15. Chief Complaint Officer, CDA

He is requested to make sure that complaints received from the petitioners or inhabitants of Ghouri Town regarding illegal construction will immediate be forwarded to the relevant Directorates, under intimation to this office.

(IJAZ AHMAD SHEIKH)
Director Urban Planning

Copy to:-

1. The Chairman, CDA
2. Chief Commissioner, ICT, Mauve Area, G-11/4, Islamabad
3. Inspector General of Police, Islamabad
4. Member (P&D), CDA.
5. Member (Estate), CDA.
6. DG (Law), CDA
7. Chief Metropolitan Officer, MCI, Islamabad
8. Director Law-II, CDA
9. Mr. Abdul Shakoor Paracha, CDA Counsel, Law Directorate, CDA
10. Secretary, CDA
11. Director Building Control-1, CDA
12. Additional Deputy Commissioner (Revenue)/District Collector ,
ICT Islamabad
13. Tehsildar, ICT, Islamabad.
14. Master File.

Director Urban Planning