

SUPREME COURT OF PAKISTAN
(Original Jurisdiction)

PRESENT:

Mr. Justice Gulzar Ahmed, CJ
Mr. Justice Qazi Muhammad Amin Ahmed

CONST. PETITION NO.9 OF 2010

[Niamatullah Khan Advocate Vs. Federation of Pakistan, etc.]

AND

CRIMINAL ORIG. PETITION NO.7-K OF 2017

[Mst. Sahiba Parveen Vs. Syed Nasir Abbas, Director General, KDA
and others (Matter pertaining to allotment of alternate plot)]

AND

CMA NO.6206 OF 2013 IN CONST. P. NO.9 OF 2010

[Report of Additional Registrar of this Court]

AND

GUJJAR NALLAH:

CRIMINAL ORIGINAL PETITION NO.9-K OF 2021

[Syeda Maria Raza Vs. Government of Sindh through Chief
Secretary Sindh & others (matter regarding illegal encroachment
over drainage river of Haji Limo Village at Gulshan-e-Iqbal)]

AND

CMA NO.441-K OF 2021

[Niamatullah Khan Advocate Vs. Federation of Pakistan & others
(regarding illegal Faiz Muhammad Vs. Province of Sindh through
Chief Secretary and others (regarding illegal encroachment over
drainage river of Haji Limo Village at Gulshan-e-Iqbal)]

AND

CMA No.1083-K OF 2021

Niamatullah Khan Advocate Vs. Federation of Pakistan and others
(For seeking direction for removal of encroachment on Gujjar Nalla
and Orangi Nala)(For seeking direction for removal of
encroachment on Gujjar Nalla and Orangi Nala)

AND

CMA No.1112-K OF 2021 IN C.R.P. NO.61-K OF 2021

[Shehri and others Vs. Naimatullah Khan and others (Matter
regarding encroachment over Gujjar Nalla and Orngi Nalla)]

AND

CIVIL AVIATION AUTHORITY:

CMA No.774-K OF 2021

[Civil Aviation Authority Vs. Federation of Pakistan & others
(Applicant has alleged that Government of Sindh has allotted 209
acres land in 1990 to CAA for construction of new Airport but
some officials of GOS are illegally allotting and creating Surveys
Nos. from said land)]

AND

AMENITY PLOT USED FOR MARRIAGE HALLS:

CMA No.522-K OF 2020 IN CONST. P. No.9 OF 2010

[Waleed Ahmed & others Vs. Federation of Pakistan & others (Plot
No.SNPA-21-D & SNPA-23, both are public amenities plots and
meant for "Park" and the same are used for marriage/commercial
activities)]

AND

ZIAUDDIN HOSPITAL:

CRL.M.A. No.59-K OF 2018

[Application for Intervener filed by Mr. Ghulam Rasool Mangi, AOR
on behalf of applicant namely, Shah Mohammad (against
encroachment made around ZiauddinHospital, Clifton Karachi by
its management and false cases registered against applicant)]

AND

SOUTH CITY HOSPITAL:

C.M.A. No.1062-K OF 2021

[Dr. Sadia Rasool Virk Vs. Federation of Pakistan and others
(Reply to Show Cause Notice on behalf of SouthCityHospital)]

AND

C.M.A. No.1064-K OF 2021

[M/s. South City Hospital (Pvt) Limited Vs. Federation of Pakistan
and others (Reply to Show Cause Notice on behalf of South City
Hospital)]

AND

ENCROACHMENT IN JACOBABAD ON AMENITIES:

CMA NO.NO.941-K OF 2020

[Niamatullah Khan Advocate Vs. Federation of Pakistan and others
(regarding encroachment in Jacobabad at various government
lands i.e. amenities, parks etc. by influential persons)]

AND

CMA NO.NO.1114-K OF 2021

[Ms. Maliha Malik Vs. Federation of Pakistan (statement of Mr. Aijaz Hussain Jakhrani and Sajjad Hussain Jakhrani)]

AND

CMA No.775-K OF 2021

[Muhammad Akram Abro Vs. Federation of Pakistan& others (Applicant has prayed for the correction of order dated 16.06.2021 whereby he has requested to read name hotel mairaj instead of Hotel Hermain)]

AND

ALADIN PARK:

CMA NO.698-K OF 2021

[M/s A.A. Joy Land (Pvt.) Ltd. Vs. Federation of Pakistan& others (matter pertains to Aladin Park)]

AND

CMA No.1000-K OF 2021

[Niamatullah Khan & others. Vs. Federation of Pakistan& others (matter regarding Aladin Park)]

AND

PARKING ISSUES OF HIGH COURT OF SINDH & FUTURE EXTENSION OF HIGH COURT OF SINDH:

CMA No.74-K OF 2020 IN CONST. P. No.9 OF 2010

[Application for intervener filed on behalf of Sindh High Court Bar Association through its Honourary Secretary (regarding parking space at High Court of Sindh)]

AND

COMM-3:

CMA NO.86-K OF 2020 IN CONST.P.NO.9 OF 2010

[M/s Ishaq Enterprises Vs. Federation of Pakistan& others (concise statement with regard to allotment of COMM-3)]

AND

CMA No.711-K OF 2020 IN CONST.P. NO.9 OF 2010

[M/s Ishaq Enterprises Vs. Federation of Pakistan& others (objection filed on CMA no.86-K of 2020)]

AND

YMCA GROUND:

CRP NO.57-K OF 2021

[Asian Pacific Alliance of YMCAs Vs. Federation of Pakistan& others
(matter pertains to YMCA Ground)]

AND

KIDNEY HILL:

CRL.ORG.P.NO.8-K OF 2021

[Abu Turab Vs. Syed Mumtaz Ali Shah & others (matter regarding
Kidney Hill Land)]

AND

CMA NO.391-K OF 2020 IN CONST.P.NO.9 OF 2010

[Abu Turab Vs. Federation of Pakistan & others (regarding illegal
constructions inside of Kidney Hill Land situated at Faran Society,
Barrister Ahmed Road near Dhooraji Colony, Karachi)]

AND

CMA NO.714-K OF 2020 IN CONST.P.NO.9 OF 2010

[Niamatullah Khan Vs. Federation of Pakistan & others (mater
regarding Al-Fatah Masjid Admeasuring 1400 Sq. Yards at Kidney
Hill Ahmed Ali Park, Faran Society, Karachi)]

AND

CMA NO.424-K of 2021

[Mr. Ibrahim Younus & others. Vs. Federation of Pakistan& others
(Kidney Hill Park Land)]

AND

CMA NO.437-K OF 2021

[Niamatullah Khan Vs. Federation of Pakistan& others (matter
regarding various plots at Overseas Cooperative Housing Society
lies adjacent to Kidney Hill Park)]

AND

CMA NO.438-K OF 2021

[Niamatullah Khan Advocate Vs. Federation of Pakistan& others
(matter regarding various plots at Overseas Cooperative Housing
Society lies adjacent to Kidney Hill Park)]

AND

CMA NO.515-K OF 2021

[Abrar Hassan Vs. Federation of Pakistan& others (matter pertains to Kidney Hill Park)]

AND

HILL PARK LAND:

CRL.ORG.P.NO.13-K OF 2021

[Mrs. Gul Nilofer & another Vs. Major (R) Naveed Ahmed Khan & others]

AND

CRL.ORG.P.NO.14-K OF 2021

[Mrs. Shabnum Humayun Vs. Federation of Pakistan and others (matter regarding Hill Park)]

AND

KDA OFFICERS CLUB:

CRL.MA NO.229-K OF 2018 IN CRL.ORG.P.NO.7-K OF 2017

[Application for intervener filed by Mr. Ghulam Qadir Jatoi, AOR on behalf of KDA Officer Club (Against illegal and unconstitutional partial demolition on the premises of the applicant at Plot No.ST-6, Of Kashmir Road, Karachi)]

AND

KARACHI CIRCULAR RAILWAY:

CMA NO.621-K OF 2021

[Niamatullah Khan Advocate Vs. Federation of Pakistan& others. (report regarding KCR, in compliance of order dated 08.04.2021 filed by D.G. FWO)]

AND

CMA NO.167-K OF 2020

[Application for intervener filed by Syed Muhammad Iqbal Kazmi. (the matter regarding KCR project and demolishing of illegal construction in Karachi)]

AND

CMA NO.367-K OF 2020 IN CONST.P.NO.9 OF 2010

[Shamim Ahmed Siddiqui Vs. Federation of Pakistan& others (regarding encroachment over railway land/SafariPark)]

AND

CMA NO.177-K OF 2020

[Application for intervener filed by Farhad Younus Memon. (The matter regarding 650 constructed Houses in Project No:7 (PRECHS) near Gillani Station Gulshan-e-Iqbal, Karachi]

AND

CMA NO.898-K OF 2020

[Pakistan Railways through Divisional Superintendent. Vs. Federation of Pakistan& others (matter regarding encroachment over Pakistan Railway Land & Revival of KCR)]

AND

TEJORI HIGHTS/TOWER ON RAILWAYS LAND:**CMA NO.1124-K OF 2021 IN C.R.P. NIL-K OF 2021 IN CMA NO.277-K OF 2021 IN C.R.P. NIL-K OF 2021 IN CMA NO.898-K OF 2021**

[Federation of Pakistan through Secretary/Chairman Railways Vs. M/s. Karachi Town Builders (regarding encroachment over Pakistan Railway Land and revival of KCR)(Tejori Heights/Tower)]

AND

RAILWAYS EMPLOYEES CO-OPERATIVE HOUSING SOCIETY:**CMA NO.541-K OF 2020**

[Muhammad Ahmed Khan & others. Vs. Federation of Pakistan& others (matter regarding Pakistan Railway Employees Cooperative Housing Society))]

AND

CMA NO.630-K OF 2020

[Pakistan Railway Employees Cooperative Housing Society Limited Vs. Federation of Pakistan& others (the matter pertains to encroachment over Railway Land on account of Railway Cooperative Housing Society)]

AND

ENROACHMENT OVER RAILWAYS LAND AT HYDERABAD:**CMA NO.1110-K OF 2021**

[Application on behalf of Divisional Superintendent through Deputy Director Railways against M/s Labaik CNG Station Hyderabad and others (matter regarding encroachment over Railway's land at Hyderabad)]

AND

ROYAL PARK:**CM APPEAL NO.37 OF 2021 IN CRP NO.7-K OF 2020 IN CMA NO.690-K OF 2019 IN CONST.P.NO.9 OF 2010**

[M/s Quality Builders Vs. Federation of Pakistan& others (for grant of time to remove and take away the materials from building)]

AND

CMA NO.1004-K OF 2021

[Muhammad Zohaib Ather Vs. Federation of Pakistan and others
(Matter regarding Royal Pak Project)]

AND

NON-SUPPLY OF WATER:

CMA NO.770-K OF 2020

[Matter regarding non-supply of water through already decided water lines in DHA, Karachi]

AND

HIGH RISE BUILDING ON AMENITY PLOTS OR OTHERWISE (MULTI-STORIES BUILDING):

CRL.M.A.NO.52-K OF 2018

[Application for Intervener filed by Muhammad Asif Shafi against seeking direction for demolition of illegal construction on plot No.70-A, Sindh Muslim Cooperative Housing Society, Karachi (Multi-Storey Building)]

AND

CMA NO.631-K OF 2019 IN CONST.P.NO.9 OF 2010

[Application for intervener filed by Mrs. Nelofar Abbasey Vs. (illegal construction is carried out by King Builders over Private Park/Amenity Plot]

AND

CMA NO.78-K OF 2020 IN CONST. P. NO.9 OF 2010

[Application for intervener filed on behalf of Muhammad Talha and Mansoor Sharif Hamid Vs. (regarding high rise building on amenity plot)]

AND

KING COTTAGES/BAGH-E-QAMAR:

CMA NO.523-K OF 2020 IN CONST.P.NO.9 OF 2010

[Muhammad Waseem Samoo Vs. Federation of Pakistan & others (matter regarding King Cottage/Bagh-e-Qamar situated at Scheme No.36, Gulshan-e-Johar, Karachi)]

AND

HAYAT REGENCY HOTEL:

CMA NO.83-K OF 2020 IN CONST.P.NO.9 OF 2010

[Application for intervener filed on behalf of Pakistan Mercantile Exchange Ltd. And NCEL Building Management Ltd. Vs. (regarding Hyatt Regency Hotel)]

AND

KARACHI GYMKHANA:

CMA NO.512-K OF 2020 IN CONST.P.NO.9 OF 2010

[Application for intervener filed by Mst.Yasmeen Lari (regarding Karachi Gymkhana)]

AND

PARSA CITY (ILLEGAL CONSTRUCTION OF 18 FLOOR BUILDING):

CMA NO.594-K OF 2020 IN CONST.P.NO.9 OF 2010

[M/s Madrasa Tahfeezul Quraan Al Karim Vs. Federation of Pakistan & others (matter regarding illegally constructed 18 floor building in a very sensitive area near Police Head Quarter at Garden Area)]

AND

HYPER STAR (RESIDENTIAL COMMERCIAL LOCALS):

CMA NO.617-K OF 2019 IN CONST.P.NO.9 OF 2010

[Application for intervener filed by Venu G. Advani Vs. (Against illegal conversion of plot from residential into commercial locals at Block 4, Scheme-5, Clifton Karachi)]

AND

P & T COLONY:

CMA NO.889-K OF 2019 IN CONST.P.NO.9 OF 2010

[Application for intervener filed on behalf of Pakistan Post through Postmaster General, Karachi Vs. (regarding ownership of P & T Colony also declared as Katchi Abadi)]

AND

K-ELECTRIC (CONNECTED WITH H.R.C. NO.20883/2018 PENDING AT PRINCIPAL SEAT, ISLAMABAD:

CRP NO.28-K OF 2020 IN CONST.P.NO.9 OF 2010

[K-Electric Limited Vs. Federation of Pakistan & others. (matter

regarding fatal incidents resulting from electrocution in the service territory of K-Electric]]

AND

ASKARI PARK:

CMA NO.1087-K OF 2021

[Naveed Ahmed Khan Vs. Federation of Pakistan and others (illegal usage of land of Askari Park for Commercial Activities and Marriage Hall)]

AND

FOOD STREET AT BURNS ROAD:

CMA NO.1095-K OF 2021

[Muhammad Imran Vs. Federation of Pakistan and others (matter regarding Food Street at Burns Road)]

AND

ENCROACHMENT OVER/BESIDES HINDU'S TEMPLES/MANDIRS:

CMA NO.1123-K OF 2021

[Kelash Kumar Vs. Federation of Pakistan & others (matter regarding encroachment over Hindu Temples/Mandirs)]

AND

SAIMA ROYAL RESIDENCY:

CMA NO.1129-K OF 2021

[Jawwad Ali Khan Vs. Federation of Pakistan and others (matter regarding Saima Royal Residency)]

AND

SMALL BUSINESSES RUNNING I.E. SUGARCANE CRUSHING MACHINES AT FOOTPATH/ROADS, ETC:

CMA NO.940-K OF 2020

[Muhammad Yousaf Vs. Federation of Pakistan & others (regarding Sugarcane Crushing Machine situated at Hasrat Mohani Road, near Cafe Victory, Karachi)]

AND

CHINA CUTTING OF AMENITY PLOTS:

CRL. M.A.121-K OF 2017 IN CRL.ORG.P.NO.7-K OF 2017

[Application for intervener filed by Muhammad Essa Vs. (60 Feet

land reserved for Bus Stop divided into 80 Sq. Yd. Plots-China Cutting Plot)]

AND

CRL.MA NO.38-K OF 2018 IN CRL.ORG.P.NO.7-K OF 2017

[Application for intervener filed by applicant namely, Akbar Hussain Vs. (against China Cutting of plots by manipulated documents of Plot No.R-160/4 & R-160/5, Sector 11, North Karachi. Fabricated against master plan, as these are amenity plots for Bus Stop/Car Parking/Green Belt etc.)]

AND

CMA NO.423-K OF 2019 IN CONST.P.NO.9 OF 2010

[Application for intervener filed by Porf. Dr. Muhammad Shahid Hussain Vs. (encroachment over public road in between St.6 to St.8, Gulshan-e-Iqbal, Block 4, KDA, Scheme-24, Karachi)]

AND

ENCROACHMENT OVER GREEN BELT (SHAHRAH E QUAIDEEN):

CMA NO.179-K OF 2020

[Application for intervener filed on behalf of Rashid Ali Vs. (against demolishing/sealing order of Friends Petrol Pump (Shell) on plot No.PP-1, Survey No.35, Pakistan Employees Cooperative Housing Society, Shahrah-e-Quaideen, Karachi)]

AND

CONVERSION OF PLOTS FROM RESIDENCIAL INTO COMMERCIAL:

C.P.NO.422-K OF 2020

[Mst. Zahida Naz Vs. Province of Sindh & others (petitioners have challenged the purported commercialization of the residential Plot No.A/216, Block C, Unit No.2, Latifabad, Hyderabad and its amalgamation with an amenity plot)]

AND

CMA NO.767-K OF 2020 IN CONST.P.NO.9 OF 2010

[Syed Masood Ahmed & others Vs. Federation of Pakistan & others (Defence Officers Housing Authority has been and its illegally converting various plots to used other than its original use)]

AND

C.P. NO.92-K OF 2020

[Karachi Chamber of Commerce and Industry Vs. Karachi Metropolitan Corporation and others (Coverion of residential land into commercial i.e. Plot No.79, Survey Street No.C-F 1-5, Old Clifton, KDA Scheme-5, Karachi)]

AND

C.P. No.93-K OF 2020

[Karachi Chamber of Commerce and Industry Vs. Karachi Metropolitan Corporation and others (Conversion of residential land into commercial i.e. Plot No.79, Survey Street No.C-F 1-5, Old Clifton, KDA Scheme-5, Karachi)]

AND

VACATION OF 35000 AMENITY PLOTS AT 112 SITES OF KDA SCHEME/TOWNSHIP:**CRL.ORG.P.NO.19-K OF 2017 IN CRL.ORG.P.NO.7 OF 2017**

[Ghulam Muhiyuddin Vs. Province of Sindh through Secretary Local Government and others (matter pertains to 35,000 plots at 112 sites of KDA Schemes/Townships will be got vacated and recovered and put to use for which they were originally meant in master plan)]

AND

CRL.MA NO.124-K OF 2017 IN CRL.ORG.P.NO.7-K OF 2017

[Application for intervener filed by Muhammad Ismail Shaheedi Vs. (regarding lands illegally occupied by land grabbers in Karachi)]

AND

CRL. MA NO.132-K OF 2017 IN CRL.ORG.P.NO.7-K OF 2017

[Application for intervener filed by AOR for the applicant Anjuman-e-Kalayna Vs. (Amenity plot allotted for Kalayana Community Centre at North Karachi as illegally demolished by respondent)]

AND

CRL.MA NO.111-K OF 2018 IN CRL.MA NO.132-K OF 2017 IN CRL.ORG.P.NO.7-K OF 2017

[Application for withdrawal filed by in person namely Anjuman-e-Kalayana through its President)]

AND

CRL.MA NO.243-K OF 2018 IN CRL.MA NO.8-K OF 2018 IN CRL.ORG.P.NO.7-K OF 2017

[Application for withdrawal filed by in person, namely, Anjuman-e-Sadat-e-Amroha through its President]

AND

CRL.MA NO.8-K OF 2018 IN CRL.ORG.P.NO.7-K OF 2017

[Application for intervener filed on behalf of Anjuman Sadat-e-Amroha Vs. (for restraining from demolishing further construction on the applicant plot which was allotted by KDA to Anjuman on

06.08.1974)]

AND

CRL.MA NO.19-K OF 2018 IN CRL.ORG.P.NO.7-K OF 2017

[Application for intervener filed by Mr. A.S.K. Ghori, AOR on behalf of applicant namely, Muhammad Jaffar Vs. (for removal of encroachment and unauthorized illegal construction around Saddar and Katrak Road Karachi and has also requested that order dated 29.11.2017 be enlarged and stretch to encompass the Cantonment Area)]

AND

CRL. MA NO.20-K OF 2018 IN CRL.ORG.P.NO.7-K OF 2017

[Application for intervener filed by Muhammad Raees Vs. (regarding encroachment on applicant's plot by construction boundary wall thereon by Mr. Hussain Rajpar, Land Grabber)]

AND

CRL.MA NO.72-K OF 2018 IN CRL.ORG.P.NO.7-K OF 2017

[Application for intervener filed by Mr. Mazhar Ali B.Chohan, AOR on behalf of Anjuman-e-Musalman-e-Kalayana Vs. (seeking direction to restrain KDA & SBICA not to demolish Girls College, Girls School, Coaching Centre and Medical Centre established on amenity plot)]

AND

ENCROACHMENT OVER AMENITY PLOTS:

CMA NO.59-K OF 2019 IN CONST.P.NO.9 OF 2010

[Application for intervener filed by Syed Arif Shah Vs. (encroachment on amenity plot allotted at Orangi for establishing Muslim Missionary College & Allied Institutions)]

AND

CMA NO.349-K OF 2019

[Application for intervener filed on behalf of Public Interest Law Association of Pakistan Vs. (for seeking direction of this Court to have Amenity Plots of Karachi developed with parks and playground with the coordination of the relevant authorities)]

AND

CMA NO.875-K OF 2019 IN CONST.P.NO.9 OF 2010

[Application for intervener filed by Muhammad Saleem Qureshi Vs. (regarding cancellation of false & fabricated lease granted on amenity plot at Bihar Colony, Layari)]

AND

CMA NO.933-K OF 2019 IN CONST.P.NO.9 OF 2010

[Application for intervener filed by Mrs. Mahamadi Vs.(regarding demolishing of all illegal construction and usage of public property on main Korangi service road)]

AND

CM APPEAL NO.139 OF 2020 IN CMA NO.NIL OF 2020 IN CMA NO.933-K OF 2019 IN CONST.P.NO.9 OF 2010

(Samira Mahamadi Vs. The Registrar, Supreme Court of Pakistan
(for correction of order dated 13.08.2020))

AND

CMA NO.202-K OF 2020

[Application for intervener filed on behalf of AVA Ardeshir Cowasjee (regarding allotment of Plot No.9B, GKI, Ghulam Hussain Kasim Quarters Karachi, which was designated for the purpose of ejector sump pump by KW&SB)]

AND

CMA NO.281-K OF 2020

[Application for intervener filed on behalf of the Karachi Goan Association (Applicant has alleged that Plot No.J.M.1/79, Jamshed Quarters, was allotted for Establishment of Gymkhana, but KIDCL has issued a letter for possession of said property for establishment of camp office for Green Line BRTS)]

AND

CRL.MA NO.32-K OF 2018

[Application for intervener filed by Mr. Ghulam Qadir Jatoi, AOR (Applicant has paid all dues on account of a plot in new Malir Housing Scheme No.1, instead of issuing allotment order a notice recived to him for payment of Rs.40000, on objection he was intimated that said amount is required for grid station)]

AND

CRL. MA NO.1-K OF 2019

[Application for intervener filed by Mr. Mazhar Ali B. Chohan, AOR on behalf of Moulana Muhammad Ali Johar Memorial Cooperative Housing Society (seeking direction for removal of encroachment from the plot of applicant society i.e. Mollana Muhammad Ali Johar Memorial Cooperative Housing Society)]

AND

CRL. M.A. No.34-K/2020

[Application for intervener filed by Mr. Ghulam Rasool Mangi, AOR on behalf of M/s Fatima Jinnah Dental College & Hospital Trust (matter pertains to non-profitable educational institution/trust for

Dental Collage/Medical and Dispensary purpose on plot
No.AM/1/B at Bhattai Colony "Amenity Plot"]

AND

CMA No.761-K OF 2020

[Abdul Haq Abbasi Vs. Federation of Pakistan, etc. (matter
regarding encroached over state property (i.e. Street/Road)
situated at Sindh GOR-II, Muslim Society Karachi)]

AND

CMA No.808-K of 2020 IN CMA No.459-K of 2020

[Muhammad Ameer Shah Vs. Federation of Pakistan and others
(Applicant alleged that illegal occupants have encroached over
2000 million road at North Karachi which cause inconvenience to
the peoples of said areas)]

AND

CM APPEAL NO.16 OF 2021 IN CONST.P.NO.9 OF 2010

[Haji Abdul Razziq Khan Vs. Federation of Pakistan & others
(Applicant has alleged that some persons along with Society
Member have encroached upon park and Club Land "Amenity Plot
at PECHS")]

AND

CMA NO.782-K OF 2021

[Malik Jameel Ali Vs. Federation of Pakistan & others (matter
regarding Custom Preventive Service Cooperative Housing Society
and removal of encroachment from Green Belt from parking area
and service road)]

AND

CP NO.599-K OF 2021

[Mumtaz A. Qureshi Vs. The Province of Sindh & others (matter
pertains to encroachment upon the gardens/parts, amenity plots
playground and Footpath in the city of Nawabshah/Shahid
Benazirabad)]

AND

CMA NO.1014-K OF 2021

[Muhammad Kabeer Malik and others Vs. Province of Sindh and
others (matter pertains to encroachment upon the gardens/parks,
amenity plots, playground and Footpath in the city of
Nawabshah/Sheheed Benazirabad)]

AND

**CMA NO.966-K OF 2021 IN CRP NO.NIL-K OF 2021 IN CONST.P.NO.9
OF 2010**

[Azhar Ahsan Thanvi Vs. Federation of Pakistan & others (matter regarding encroachment over Plot No.ST-14)]

AND

CMA NO.1006-K OF 2021

[Azhar Ahsan Thanvi Vs. Federation of Pakistan & others (matter regarding encroachment over Plot No.ST-14)]

AND

CMA NO.1040-K OF 2021 (Application for withdrawal of earlier CMA No.1006-K of 2021

[Azhar Ahsan Thanvi Vs. Federation of Pakistan & others (matter regarding encroachment over Plot No.ST-14)]

AND

CMA NO.971-K OF 2021 IN CRP NO.NIL-K OF 2021 IN CONST.P.NO.9 OF 2010

[Muhammad Khan Parhar & others. Vs. Federation of Pakistan & others (matter regarding encroachment over Plot No.ST-14)]

AND

CRL.ORG.P. NO.10-K OF 2021

[Muhammad Irfan Vs. Federation of Pakistan & others (matter regarding encroachment over 51 Plots of Gulistan-e-Johar)]

AND

CMA NO.1097-K OF 2021

[Ideal (Private) Limited Vs. Federation of Pakistan (matter regarding encroachment over Amenity Plots and ST-13 on account of Sanad with respect of some Haji Ibrahim Panhwar Goth) (Korangi Industrial Area)]

AND

CMA NO.1164-K OF 2021

[Zohaib Yousuf Vs. Federation of Pakistan and others - matter regarding illegal construction of multi story five tower (RJ Towers & Royal Icon) 24 stories each on amenity plot of Baloch Goth 13-D/3, Gulshan-e-Iqbal, Karachi)]

AND

ILLEGAL ENCROACHMENT OVER PLOTS OF INDIVIDUAL:

CRL.MA NO.71-K OF 2018 IN CRL.ORG.P.NO.7-K OF 2017

[Application for intervener filed by Muhammad Hussain, in person (against encroachment by the land grabber on 51 Plots of the applicant at Sector 51-C, Korangi Township, Karachi)]

AND

CRL.MA NO.95-K OF 2018 IN CRL.ORG.P.NO.7-K OF 2017

[Application for intervener filed by Imdad Hussain, applicant in person (against notice issued by the KDA for demolition/vacating of the house of applicant i.e, House No.318, Sector 6-B, Mehran Town, Korangi Industrial Area, Karachi)]

AND

CLR.MA NO.214-K OF 2018 IN CRL.ORG.P.NO.7-K OF 2017

[Application for intervener filed by Salman Muhammad (for seeking directions to stop Anti-encroachment operation against the poor villagers Gulshan-e-Saiful Mance, Sector 8, Scheme 41, Surjani Town, Karachi)]

AND

CRL.MA NO.2-K OF 2019 IN CRL.ORG.P NO.7-K OF 2017

(Application for intervener filed by Muhammad Farhan (against illegal demolition of the lawful construction on the plot owned by applicant, as it was offered by KDA illegally in compensation to Mst.Sabiha Parveen)]

AND

CMA NO.521-K OF 2019 IN CONST.P.NO.9 OF 2010

[Application for intervener filed by Murtaza Ali (regarding illegal encroachment on Plots No.33 and 34, PR-II, Preedy Quarters, Karachi)]

AND

CMA NO.527-K OF 2019 IN CONST.P.NO.9 OF 2010

[Application for intervener filed by Advocate Aqeel Hassan Khan (illegal construction of Masjid on Plot No.R-07, Longlife Bungalows Block-17, Gulistan-e-Johar)]

AND

CMA NO.162-K OF 2020

[Application for intervener filed on behalf of Ms.Muneera Khatoon (against illegal encroachment over plots bearing Nos.46-F & 46-G, situated at Bihar Colony, Shah Abdul Latif Bhittai Road, Karachi)]

AND

CMA NO.193-K OF 2020 IN CONST.P.NO.9 OF 2010

[Application for intervener filed by Khawaja Muhammad Asghar (regarding encroachment of Plots No.B-100 & B-113, Block-10, Gulistan-e-Johar, Karachi)]

AND

CMA NO.762-K OF 2020

[Syed Khurram Iqbal Vs. Federation of Pakistan & others (matter pertains to encroached land situated in Aligarh Muslim University Old Boys Cooperative Housing Society Ltd., Gulzar-e-Hijri Scheme No.33)]

AND

DISCRIMINATION/GRIEVANCES WITH REGARD TO ENCROACHMENT DRIVE:**CMA NO.425-K OF 2019 IN CONST.P.NO.9 OF 2010**

[Application for intervener filed on behalf of Muhammad Jibran Nasir and others (matter regarding discrimination & grievances with regard to anti-encroachment operation in Karachi)]

AND

CRL.ORG.P.NO.5-K OF 2020 IN CONST.P.NO.9 OF 210

[Mohammad Jibran Nasir & others. Vs. Mr. Habib ur Rehman Gillani & others (matter pertains to resettlement and rehabilitation plan for the affectees who have been disposed or dislocated due to the anti-encroachment drive)]

AND

CMA NO.809-K OF 2020 IN CMA NO.460-K OF 2019 IN CONST.P.NO.9 OF 2010

[Yousuf Masih Vs. Federation of Pakistan & others. (regarding grievances of people of Salman Brohi Goth as they apprehend to be disposed/vacated from the land in question)]

AND

ALLEGATION LEVELED AGAINST GOVERNMENT OFFICIALS:**CMA NO.82-K OF 2020**

[Application for intervener filed by Syed Mehmood Akhtar Naqvi (regarding corruption allegations against mentioned officials of SBCA and highlighted the illegal construction & encroachment in certain areas of Karachi)]

AND

CMA NO.336-K OF 2020 IN CONST.P.NO.9 OF 2010

[Mr. Imran Ayub Khan Advocate Vs. Federation of Pakistan & others (issue regarding title documents the people living at Allah Bux Goth registered as Kachiabadi)]

AND

CRL. ORG.P. NO.1-K OF 2020 IN CONST.P NO.9 OF 2010

[Syed Mehmood Akhtar Naqvi Vs. Qazi Shahid Pervaiz, Sr. Member Board of Revenue, Government of Sindh & others]]

AND

CMA NO.510-K of 2021

[Muhammad Ashraf Samoo. Vs. Province of Sindh & others (applicant has pointed out various issues i.e, corruption, violation of fundamental rights etc.)]

AND

MISCELLANEOUS:

CMA NO.300-K OF 2020 IN CONST.P.NO.9 OF 2010

[Niamatullah Khan Advocate Vs. Federation of Pakistan & others (statement of the amicus curiae from "Salahuddin Ahmed, ASC)]

AND

CMA NO.414-K OF 2020 IN CONST.P.NO.9 OF 2010

[Niamatullah Khan Advocate Vs. The province of Sindh & another (for extension of time for compliance of orders)]

AND

REPORT NO.7-K OF 2021

[Report filed on behalf of Chief Minister, Sindh through AOR in compliance of Court order dated 09.05.2019 Vs. Federation of Pakistan & others)]

AND

REPORT NO.76-K OF 2021

[Report filed by on behalf of Chief Minister, Sindh through AOR, Shehri and others Vs. Naimatullah Khan and others]

In attendance:	:	Mr. Muhammad Iqbal Memon, Commissioner, Karachi. Muhammad Salim Raza, D.G., SBICA Ms. Ambar Alibhai, Sheri Citizen. Mr. Murtaza Wahab, Administrator KMC Haji Abdul Raziq, Applicant in CMA 16/21 Raja Qasit Nawaz Khan ASC
For the petitioners/ Applicants	:	Mian Raza Rabbani, Sr. ASC Ch. Muhammad Iqbal, ASC Mr. Obaid ur Rehman Khan, ASC Mr. Khalid Javed, ASC Mr. K.A. Wahab, AOR Mr. Anwar Mansoor Khan, Sr. ASC Ms. Umaimah Anwar Khan, ASC Mr. Abid S. Zubari, ASC

Khawaja Shams-ul-Islam, ASC
 Mr. Mazhar Ali B. Chohan, AOR/ASC
 Mr. Muhammad Ashraf Samoo, ASC
 Mr. Badar Alam, Sr. ASC
 Mr. Khalid Mehmood Siddiqui, ASC
 Dr. Raana Khan, AOR
 Mst. Sabiha Parveen
 Syeda Maria Raza
 Mr. Muhammad Saleem Mangrio, ASC
 Mr. Salahuddin Ahmed, ASC
 Ms. Razia Danish ASC
 Mr. Ghulam Rasool Mangi AOR
 Syed Ali Zafar, ASC VL Lahore

On Court's Notice

For the Federation

: Mr. Khalid Javed Khan,
 Attorney General for Pakistan
 Mr. Kashif Sarwar Paracha, Addl. AGP
 Mr. Khaliq Ahmed, DAG
 Dr. Imran Zaib,
 Secretary, Housing and Works

For Govt. of Sindh

: Mr. Salman Talib ud Din,
 Advocate General, Sindh
 Mr. Sibtain Mehmood, Addl. AG
 Dr. Saeed Ahmed Qureshi,
 Focal Person to Chief Secretary
 Qazi Shahid Pervaiz Memon,
 Acting Chief Secretary, Sindh
 Mr. Najam Ahmed Shah,
 Secretary Local Government
 Mr. Zulfiqar Gul Memon,
 Deputy Chief, T&C, M/o Planning
 Mr. Saeed Ahmed,
 Addl. Secretary,
 Planning and Development
 Mr. Abdul Rahim Sheikh,
 Secretary Environment
 Mr. Sikandar Hassan,
 Law Officer, Finance Department
 Mr. Shafique Ahmed, Commissioner,
 Larkana
 Dr. Hafeez Sial, DC, Jacobabad
 Mr. Shumail Riaz Malik,
 SSP Jacobabad

For F.W.O.

: Mr. Babar Ali ASC

For Pakistan Railways

: Mr. Nisar Ahmed Memon,
 CEO/Senior GM Railways
 Ameer Muhammad Daudpota, D.G.
 Rao Waqar Ahmed, DS

KWSB

: Assad Ullah Khan, M.D.

NDMA

: M. Idrees Mahsud, Member

WAPDA

: Faizsan Haidar Shah Director Tech.

High Court of Sindh : Mr. Karam Din Junejo, Nazir

KMC : Azra Muqeem, Legal Advisor
Afzal Zaidi, M/C
Mazhar Khan, Chairman, KMC Officers
Housing Society

Cantonments : Adil Rafi, Director,
Military Land & Cantonment, Karachi
M. Saleem Hassan,
CEO, Clifton Cantonment
M. Farque,
Military Estate Officer, Karachi
Omer Masoom Wazir, CEO,
Korangi Cantonment
Barrister M. Omer Riaz, ASC
on behalf of Cantonment Board
via video link from Lahore
Rana Khawar Iftikhar, CEO, Faisal
Qazi Rizwan Ahmed,
CEO, Karachi, Cantonment

Date of Hearing : 27.12.2021

ORDER

GULZAR AHMED, CJ.-

Nasla Tower (Reports No.129-K, 131-K and 140-K of 2021)

The Commissioner, Karachi has submitted a Report No.140-K of 2021, regarding the demolition of Nasla Tower. The report is dated 03.12.2021. In the last para of the report the Commissioner, Karachi has made a following statement:-

“SBCA tried to stop demolition on various pretexts, which were not plausible. They were not ready to give their reservations in writing. They kept threatening the contractor and instill fear among labour. They allegedly demanded bribe from the contractor. They did not allow operation of Jackhammer WT-15 Tons on various occasions claiming it would dismantle the building.”

2. This statement shows that Sindh Building Control Authority (**SBCA**) has tried to obstruct the implementation of the Court's orders dated 24.11.2021 and 26.11.2021 and apparently

committed itself in a manner which amounts to defiance of the Court's orders, which attracts the provision of Article 204 of the Constitution read with relevant provisions of the Contempt of Court Ordinance, 2003.

3. The Director General, SBCA is in attendance. He has been confronted with the above statement of the Commissioner, Karachi. He states that such a statement of the Commissioner, Karachi is not correct.

4. Be that as it may, as there is a written proof of the fact that the SBCA has tried to defy of the Court's orders, noted above, as such it has made itself liable to be proceeded for commission of Contempt of Court and accordingly, the Director General, SBCA who is in attendance is issued notice as to why contempt proceedings should not be initiated against him for he being the official head of SBCA apparently is liable for the conduct of SBCA. The D.G., SBCA shall file reply in one week.

5. It is also alleged in the above para of the report of the Commissioner, Karachi that SBCA has also demanded bribe from the contractor, undertaking the work of demolition of Nasla Tower. In the circumstances, let the Chairman Enquiries & Anti-Corruption Establishment, Karachi register an FIR against the Director General, SBCA and also against all other officials of SBCA who have illegally conducted themselves in this regard proceed against them in accordance with law. The Chairman Enquiries & Anti-Corruption Establishment shall put up his report in one week before the Court regarding the action taken by him in this regard.

6. The Commissioner, Karachi present in Court, states that the work of demolition of Nasla Tower is going on. He states that five floors from upside down have already been demolished while remaining work is going on and the remaining building will also be demolished at an early date.

7. We expect that the work of demolition of the building shall be achieved by the Commissioner, Karachi within further one week's time and in this regard report shall be submitted by the Commissioner, Karachi to the Court. The Commissioner, Karachi should utilize all available resources of the Government, in order to comply with the Court's orders, noted above. No amount of laxity shall be allowed and if any is found the Commissioner, Karachi shall himself, be liable to be proceeded against by this Court.

8. During the course of proceedings, it was brought to the notice of the Court that the purported allottees of Nasla Tower have been left without any source from which they could be compensated and the owner/builder is not coming forward to make payment/compensation to the purported allottees. The purported allottees entitled to the payment/compensation is required to be protected and the only source available is the very Plot No.193-A, SMCH Society measuring 780 square yards is attached and the Official Assignee appointed to secure the said plot and not to allow any person to enter upon the same and also to inform all relevant offices about the attachment of the plot. The Official Assignee shall ensure that no person enters on the said plot except the persons, who are engaged in demolition work of the building. On completion of demolition the Official Assignee shall ensure that proper

securing of the plot and put a board notifying its attachment by the Court.

9. We have already declared that Nasla Tower was illegally constructed vide order dated 16.06.2021. Pursuant to this order, the Court has passed further orders for demolition of Nasla Tower. Obviously, as stated before us the Nasla Tower was built after obtaining approval from the SBCA and other relevant departments, including the Sindh Muslim Corporative Housing Society. The owner of the building and the builder and all the officials of the SBCA and other government departments, including SMCH are liable to be prosecuted for approving and allowing of illegal construction of Nasla Tower. In the first place these persons are *prima facie* guilty of the commission of offence under various provisions of the Pakistan Penal Code and they are liable to be proceeded against. An FIR against them is required to be registered.

10. The Deputy Inspector General of Police, East (**DIG**) is directed to ensure that FIR is registered against all the above noted persons and they are proceeded against in accordance with law. The DIG shall submit his report before the Court within one week noting down the action taken against the persons involved in the matter. At the same time the Chairman Enquiries & Anti-Corruption Establishment shall also register the case against the officials of SBCA and all other government departments, who have indulged, connived and abated in granting of approval for construction of Nasla Tower as such building was allowed to be constructed in gross violation of law and each and every officials of SBCA and other government departments involved in the affairs

should be proceeded against by the Enquiries & Anti-Corruption Establishment. The officials of the SBCA and other government departments so involved shall also be proceeded departmentally and strict action be taken against them, after complying with all codal formalities. The Chairman Enquiries & Anti-Corruption Establishment, Karachi shall put up a report in one week describing the action taken by him. The D.G., SBCA so also the Heads of other government departments whose officials have conducted themselves wrongly shall also put up their reports showing the action taken by them against the respective officials of their respective departments.

Tejori Heights (Report No.133-K of 2021)

11. It seems that main structure of Tejori Heights has been demolished and now basement and foundation has to be removed. The builder has originally undertaken the demolition of the building but from the report submitted today before the Court, it seems that the structure of basement and foundation has not been removed as yet. The Commissioner, Karachi states that if he is given the permission to demolish and remove the basement and foundation, he will carry out the same.

12. In the circumstances, where the builder seems to be reluctant in removing the basement and foundation of the building, the Commissioner, Karachi is directed to demolish and remove the basement of the building as well as the foundation. The cost of such demolition and removal of debris incurred by the Commissioner, Karachi shall be paid by the builder and in case the builder defaults in making of payment, the Commissioner, Karachi

shall submit a report before the Court and Court shall make appropriate orders in this regard.

13. The builder shall provide funds in the sum of Rs.2.5 million to the Commissioner, Karachi upfront within two days. The Commissioner, Karachi shall put up a report and such report shall be made available to the Court in one week's time. The Commissioner, Karachi shall give proper account about the cost incurred by him regarding the work performed at the building site.

Gutter Baghicha (Report No.128-K and 135-K of 2021)

14. The Administrator, KMC, has been appearing in this case and instead of assisting the Court on each occasion, he has tried to make a political statement. We have time and again warned him not to do so but he keeps on deviating from the work of the Administrator to that of going into the realm of politics and agitate his political party's issues before the Court. Such we believe, that the Administrator, KMC has to be a person who has to conduct himself in a manner where the work of the people are handled and conducted in a neutral way and not on political basis. Incidentally, we find that the Administrator, KMC, could not disconnect himself from his own political party to which he belongs and comes up with the political statements which apparently, are not allowing him to perform his functions in a neutral manner, which is required by his Office. Today also, he has deviated from his task of doing the work of an Administrator and making statements and saying things before the Court, as if he is representing the case of a political party: This state of affairs could not be allowed to take place and the Administrator seems to be totally acting more like a politician

than an Administrator, which is the job, requiring him to perform for the good of the people, particularly of the City of Karachi. He has showed anger in Court, which is totally unbecoming of an Administrator. He is not a fit person to remain as an Administrator of KMC. In the circumstances, we direct the Chief Minister, Government of Sindh to remove him from the post of the Administrator, KMC immediately and to appoint a fit person who is capable to deliver the people as an Administrator of the City of Karachi.

15. We have noted that some about 200 acres of land of *Gutter Baghicha*, which is the land meant for park for the City of Karachi has been allotted to KMC Officers Cooperative Housing Society. The Chairman, KMC Officers Cooperative Housing Society has appeared before the Court and we have heard him. There is no dispute at all that the land of *Gutter Baghicha* is meant for park and it comprises of 1016 acres of land and it seems that not only the KMC has allotted 200 acres out of such land to its officers, a big portion of the land is encroached upon some industries have also occupied the land of *Gutter Baghicha*. The whole *Gutter Baghicha* land has to be retrieved as it is an amenity plot and meant for the park. We are informed that on the said land there are following installations:

- 1) KDA Treatment Plant TP-1;
- 2) Incinerator Plant;
- 3) A Pumping Station; and
- 4) Various Graveyards.

16. The Administrator has sincerely apologized for his conduct and states that he will not repeat his such conduct before

the Court nor before any other forum or people for whom he has been appointed as an Administrator and that he will conduct his office independently free from political interference and whole of his interest will be to ensure that he serves the people of city of Karachi without being influenced by politics or his affiliation with a political party. We emphasize that the office held by the Administrator is a trust, which the people have reposed in him and he has to discharge his duties in a neutral manner as he can without being influenced at all by any political affiliation whatsoever. The function is to serve the people and not any individual. We therefore, on showing of remorse by the Administrator, recall our order of asking the Chief Minister to remove him from the office and to appoint some other person in his place as an Administrator of the city of Karachi.

17. In the matter regarding *Guttar Baghicha*, at the outset the Administrator states that he will ensure that there is an urban forest planted in 168 acres of *Guttar Baghicha* land and he also gives a timeline that plantation will start in the month of March, 2022 for developing an urban forest. In respect of the KMC Officers Cooperative Housing Society, who claims that it has been allotted 200 acres of land from *Guttar Baghicha*, the Chairman of the Society is present and requests that he may be allowed to engage a counsel to plead the case before the Court.

18. Adjourned for tomorrow i.e. 28.12.2021.

Report No.137-K of 2021

19. It looks that 38 acres, including 17 acres of land comprising of old *Sabzi Mandi*, Karachi was apparently given to the

Headquarters Engineers-5 Corps, Liaquat Barracks, Karachi for maintaining it as a park. The agreement attached with the statement shows that it has no date. Even the land and its measurement is not mentioned nor the site plan of the land is attached with the agreement.

20. CMA No.1087-K of 2021 was filed before this Court by one Naveed Ahmed Khan, Chairman of Human Rights Protection International, claiming illegal usage of the land of the park for commercial activities in violation of Adaption Agreement. It is pointed out in the application that in the park commercial activities are being undertaken comprising of market having shops and Marriage Halls. Report No. 137-K of 2021 has been filed by the Deputy Director, Head Quarters, Land Department, KMC, where it is specifically mentioned that the park shall be a public park meant for public recreation and it is also liable to be resumed by the then City District Government, Karachi, presently the Administrator, KMC.

21. CMA No.1238-K/2021 has also been filed on behalf of Headquarters Engineers-5 Corps, Karachi Chaudhry Muhammad Iqbal, learned counsel was appeared and stated that CMA No.1238-K of 2021 has filed on instructions of Lt. Col. Zubair. The CMA shows that for generation of revenue, food court, snake bars, parking/entrance fee and children rides have been established in the park and one Marriage Hall was also created, which as stated in the application, has now been stopped. Further, it is noted that on the order of this Court open space previously used for different outdoor gatherings/functions have been restored to the green park

and is open for public for their recreation and enjoyment. It is also stated in the application that there are 88 shops but the Army has nothing to do with it, neither they have been constructed by the Army nor the Army claims ownership over the said shops/market. It is also stated that currently no business activity is being undertaken in the shops and they are lying vacant. It is also mentioned in the application that the Court may decide its fate as deems appropriate as the shops are closed on the orders of City District Government, Karachi. In Para-8 of the application, it is specifically stated that the park land is the property of CDGK/KMC. We note that the very agreement contains clause where the park land can be resumed by the CDGK/KMC. The Administrator, KMC states that the park needs to be resumed by KMC and maintained by it and KMC shall ensure that the park is fully kept and maintained for public use and no charges are put on the people for using the same. All activities, like that of holding of functions outdoor or indoor, Marriage Halls in the park shall immediately be stopped and, if any, construction in this regard has been made, such construction shall be removed by KMC. The 88 shops which are stated to be built on the land of the park shall also be removed by the KMC. Learned counsel for HQ-5 Corps states that if the KMC wishes to resume the park, the same will be handed over to the KMC. In the circumstances, let the park be handed over to the KMC within two weeks from today, who will ensure that it is run as a park. The application so also report in the above terms stand disposed of.

22. On behalf of PECHS, CMA No.1142-K of 2021 has been filed in response to CM Appeal No.16-K of 2021, filed by Haji Abdul Razziq Khan. In report No.130-K of 2021, copy of the Layout Plan of PECHS has been filed. Similar, Layout Plan of PECHS has also been filed by Shehri. The Layout Plan shows that on the main Tariq Road, plot No.AP-30 is shown as a park, while plot No.AP-31 is shown as a Club. The park is known as Dilkusha Park, while the Club is Dilkusha Club. On the plot of the park i.e. AP-30, a huge Mosque appears to have been constructed and it is not known as to how the park land came to be occupied by the Mosque and this aspect needs to be addressed. Let notice be issued to the occupants of the Mosque to appear before the Court by **tomorrow i.e. 28.12.2021** and also the Administrator Auqaf, to appear before the Court by tomorrow and explain as to how the park has been converted into a Mosque. As regard, plot No.AP-31, which is shown as a land of the Club, it is stated in the report of the PECHS that this land of the Club which comprises 989.35 square yards has been encroached and some Madaressa has put up its board on it. Shops have also been constructed and PECHS has given them notice to vacate the same but such vacation has not been made by them. The Assistant Commissioner, Ferozabad, Karachi (East) was also requested by PECHS to obtain removal of the encroachment from this plot but no assistance was provided by the Assistant Commissioner. In the circumstances, despite notice, no one has put up appearance on behalf of the occupants of plot No.AP-31. In the circumstances, the Assistant Commissioner, Ferozabad, Karachi (East) is directed to remove all encroachments from plot

No.AP-31 shown on the Layout Plan of PECHS as a site of a club and to have it vacated. It seems that the club land is not being used by the club and no one from the side of the club has put up appearance in the Court. The Assistant Commissioner, Ferozabad, Karachi (East) shall ensure that this land on having it vacated from all encroachments is converted into a public park and allowed to be used by the public. Tree plantation and laying of grass shall be undertaken by the said Assistant Commissioner and its cost shall be obtained from the Government funds. This action shall be undertaken by the Assistant Commissioner within one week's time and shall submit the report to this Court that not only the encroachment has been removed but also process of laying a park has also been started and photographs of the same shall also be attached with the report.

C.M. Appeal No.16 of 2021

23. The Assistant Commissioner shall ensure that the park is properly protected and iron grills on its boundary are affixed so that the people can use it safely for their recreation purposes. This C.M. Appeal is disposed of.

24. The matter regarding Jheel Park, Hill Park Land and Kidney Hill shall be taken up tomorrow i.e. 28.12.2021. The Administrator, KMC is also directed to appear before the Court with its report.

C.M.A.No.1141-K of 2021, C.M.A. No.1236-K of 2021 in C.M.A.No.941-K of 2020

25. Mr. Khalid Javed, learned ASC for the Respondents, namely, Muhammad Aslam Abro and Muhammad Akram Abro,

requests for adjournment as he states that he could not go through the report, which has been filed by the Deputy Commissioner, Jacobabad in Court today.

26. Adjourned to a date in the next session. Shumail Riaz Malik, Senior Superintendent of Police, Jacobabad, shall ensure that the applicant, namely, Maliha Malik, is allowed safe passage for making appearance before the Court.

C.M.A. No.1161-K of 2021 in C.M.A. No.933-K of 2019

27. Notice to the Administrator, Defence Housing Authority, Karachi, for a date in office during the next session.

CMA No.510-K of 2021

28. Notice to the learned Advocate General, Sindh for next session.

Reports No.138-K and 142-K of 2021 in CMA No.773-K of 2021 in CMA No.826-K of 2020, CMA No.1251-K of 2021 in CMA No.522-K of 2020

29. The above-mentioned cases are adjourned for tomorrow i.e. 28.12.2021.

Bench-I
Karachi
27.12.2021
'APPROVED FOR REPORTING'
Rabbani/*