

SUPREME COURT OF PAKISTAN
(Original Jurisdiction)

PRESENT:

Mr. Justice Gulzar Ahmed, CJ
Mr. Justice Ijaz ul Ahsan
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

GUJJJAR NALLAH

C.R.P.No.61-K of 2021

[Shehri Citizen for a better Environment & others (Matter
regarding encroachment over Gujjar Nallah & Orangi Nallah. Vs.
Niamatullah Khan Advocate & others)]

AND

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.819-K OF 2021

Mrs. Almas Rizwan and others Vs. Federation of Pakistan and
others (Matter pertains to Gujjar Nallah)

AND

CMA No.850-K OF 2021

[Khalil ur Rehman Vs. Federation of Pakistan & others (matter pertains to Gujjar Nallah)]

AND

NASLA TOWER

C.R.P.NO.55-K OF 2021

[Feroza and others Vs. Federation of Pakistan and others (Matter regarding Nasla Tower)]

AND

C.R.P.NO.56-K OF 2021

[Abdul Qadir Vs. Niamatullah Khan Advocate & others (matter pertains to Nasla Tower)]

AND

CIVIL AVIATION AUTHORITY

CMA No.774-K OF 2021

[Civil Aviation Authority Vs. Federation of Pakistan & others (matter regarding Land allotted to CDA in 1990)]

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

ZIA UDDIN 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 Ziauddin Hospital, Clifton Karachi by its management and false cases registered against applicant)]

AND

ENFORCEMENT IN JACOBABAD OF 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.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 AND FUTURE
EXTENTION 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

[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 LAND

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

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/Safari Park)]

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

CMA NO.445-K OF 2021

[Nabiha Qureshi Vs. Federation of Pakistan & others (matter regarding encroachment over Pakistan Railway Land & revival of KCR)]

AND

CMA NO.446-K OF 2021

[M/s Karachi Town Builders & Developers. Vs. Federation of Pakistan & others (matter regarding encroachment over Pakistan Railway Land & revival of KCR)]

AND

TEJORI HEIGHTS/TOWER ON RAILWAY'S LAND

CRP NO.15-K OF 2021 IN CMA NO.906-K OF 2020 IN CONST.P.NO.9 OF 2010

[Naeemuddin Vs. Pakistan Railway (matter regarding encroachment over Pakistan Railway Land & revival of KCR) (Tejori Heights/Tower)]

AND

CMA NO.277-K OF 2021 IN CRP NO.NIL-K OF 2021 IN CMA NO.898-K OF 2020 IN CONST.P.NO.9 OF 2010

[M/s Karachi Town Builders Vs. Pakistan Railways (matter regarding encroachment over Pakistan Railway Land & revival of KCR) (Tejori Heights/Tower)]

AND

CMA NO.278-K OF 2021

[M/s Karachi Town Builders Vs. Pakistan Railways (matter regarding encroachment over Pakistan Railway Land & revival of KCR) (Tejori Heights/Tower)]

AND

RAILWAYS EMPLOYEES COOPERATIVE 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

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

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 STOREIES 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

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

AND

KING COTTAGE/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

HYATT 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 STYAR (RESIDENTIAL INTO 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 HRC 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

SMALL BUSINESS RUNNING I.E. SUGARCANE CRUSHING MACHINE AT FOOTPATHS/ROAD 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 Feets 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 (SHARAH-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, Shahrach-e-Quaideen, Karachi)]

AND

CONVERSION OF PLOTS FROM RESIDENTIAL 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

CP NO.92-K OF 2010

[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

CP No.93-K OF 2010

[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

**VACATION OF 35,000 AMENITY PLOTS AT 112 SITES OF KDA
SCHEME/TOWNSHIPS**

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 Governmnet 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. Ghor, 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 & SBCA 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 IN CONST.P.NO.9 OF 2010

[Application for intervener filed on behalf of AVA Ardeshir
Cowasjee Vs. (regarding allotment of Plot No.9B, GKI, Ghulam
Hussain Kasim Quarters Karachi)]

AND

CMA NO.281-K OF 2020 IN CONST.P.NO.9 OF 2010

[Application for intervener filed on behalf of the Karachi Goan
Association Vs. (regarding allotment of that Plot No.J.M.I/79.
Jamshed Quarters, M.A. Jinnah Road, Karachi)]

AND

CRL.MA NO.32-K OF 2018 IN CRLORG.P.NO.7-K OF 2017

[Application for intervener filed by Mr. Ghulam Qadir Jatoi, AOR
Vs. (for issuance of allotment order and lease deed in favour of
applicant)]

AND

CRL. MA NO.1-K OF 2019 IN CRL. ORG. P. NO.7-K OF 2017

[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)]

AND

CRL. MA No.34-K/2020 IN CRL. ORG. P. NO.7-K OF 2017

[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 on
plot No.AM/1/B at Bhittai Colony "Amenity Plot")]

AND

CMA No.761-K OF 2020 IN CONST. P. No.9 of 2010

[Abdul Haq Abbasi Vs. Federation of Pakistan, etc. (matter
regarding encroached overstate property situated at Sindh Muslim
Society Karachi)]

AND

**CMA No.808-K of 2020 IN CMA No.459-K of 2020
IN
CONST. P. No.9 of 2010**

[Muhammad Ameer Shah Vs. Federation of Pakistan and others
(encroachment over 2000 million road at North Karachi)]

AND

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

[Haji Abdul Razziq Khan Vs. Federation of Pakistan & others
(regarding enforcement over 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)]

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.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.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

ILLEGAL ENCROACHMENT OVER PLOT OF INDIVIDUALS

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 IN CONST.P.NO.9 OF 2010

[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/GRIEVANCE 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.AP.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

ALLEGATIONS LEVELLED AGAISNT GOVERNMENT OFFICIALS

CMA NO.82-K OF 2020 IN CONST.P.NO.9 OF 2010

[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)]

For the petitioners/
Applicants

: Mr. Faisal Siddiqui, ASC
(in CRP.61-K/2011 and CMAs.698-K/2011, 515-K/2021, 630-K/2020, 525-K/2019, CrI.MA.229-K/2018 & CrI.OP.5-K/2019)

Mr. Munir A. Malik, Sr. ASC a/w
Mr. K.A. Wahab, AOR
(in CRP.56-K/2021 and CMA.541-K/2020)

Mr. Abid S. Zubari, ASC with
Mr. K.A. Wahab, AOR
(in CRP.55-K/2020 & CMAs.86-K/2020, 277-K/2021, 278-K/2021 and 28-K/2020)

Mr. Anwar Mansoor Khan, Sr. ASC
Ms. Umamah Anwar Khan, ASC

(CrI.MA.59-K/2018, CMA.1003-K/2021, CrI.OP.13-K/2021 & CrI.MA.34-K/2020)

Syed Ashikue Raza, ASC with
Ms. Abida Parveen Channar, AOR
(in CMA.367-K/2020)

Mian Raza Rabbani, ASC with
Ms. Abida Parveen Channar, AOR
(in CRP.15-K/2021)

Raja Qasit Nawaz, ASC with
Mr. Abdul Qadir Khan, AOR
(in CMAs.898-K/2020 and 83-K/2020)

Khawaja Shamsh-ul-Islam, ASC
(in CMA.714-K/2019, CPs.92-K and 93-K/2020)

Syed Abdul Waheed, ASC
(in CMA.594-K/2020)

Mr. Sanaullah Noor Ghouri, ASC
(in CMAs.808-K/2020 and 809-K/2020)

Mr. Muhammad Ashraf Samoo, ASC
(in CMA.510-K/2021)

Mr. Zakir Hussain Khaskhali, ASC
(in CrI.MA.132-K/2017)

Mr. Salahuddin Ahmed, ASC
(in CrI.MA.59-K/2018)

Mr. Badar Alam, Sr. ASC
(in CMA.941-K/2020)

Mr. Muhammad Sohail Hayat Khan, ASC
(in CrI.MA.34-K/2020)

Khawaja Naveed Ahmed, ASC
(in CMA.782-K/2021)

Mr. Saalim Saleem Ansari, ASC
(in CMA.898-K/2020)

Ms. Abida Parveen Channar, AOR
(in CMA.391-K/2020 and CrI.OP.8-K/2021)

Dr. Raana Khan, AOR
(in CMAs.441-K/2021 and 527-K/2019)
Mst. Sabiha Parveen
(in CrI.OP.7-K/2017)
Syeda Maria Raza
(in CrI.OP.9-K/2021)
Mrs. Amber Ali Bhai, Dr. Sadia Virk,
(in CrI.MA.59-K/2018)

Ms. Maliha Malik
 (in CMA.941-K/2020)
 Muhammad Akram Abro
 (in CMA.775-K/2021)
 Akbar Hussain
 (in CrI.MA.38-K/2018)
 Syed Arif Shah
 (in CMA.59-K/2019)
 Malik Jameel Ali
 (in CMA.782-K/2021)
 Muhammad Irfan
 (in CrI.OP.10-K/2021)
 Murtaza Ali
 (in CMA.521-K/2019)
 Ijaz Hussain Jakharani &
 Sajjad Hussain Jakharani
 (in CMA.941-K/2020)
 (all in person)

On Court's Notice

- | | | |
|-----------------------|---|---|
| For the Federation | : | Mr. Khalid Javed Khan,
Attorney General for Pakistan
Mr. Kashif Sarwar Paracha, Addl. AGP |
| For Govt. of Sindh | : | Mr. Salman Talib ud Din,
Advocate General, Sindh
Mr. Sahulat Rizvi, Addl.A.G.Sindh
Mr. Naveed Ahmed Sheikh,
Commissioner Karachi
G. Mohiuddin Asim,
Addl. Secretary P&D
Shariq Ahmed, Secretary Transport
Asif Jan Siddiqui, DC East
Dr. Saeed Ahmed Qureshi,
Focal Person to Chief Secretary |
| For F.W.O. | : | Brig. Waqar Abbasi, PD
Brig. Muhammad Qasim, PD
Abdul Basit Khan Tanoli, Legal Advisor |
| For Pakistan Railways | : | Mr. Habib ur Rehman Gillani,
Secretary Railways
Nisar Ahmed Memon, Sr. GM
Ameer Muhammad Daudpota, D.G.
M. Hanif Gul, DS
Rao Moinuddin ADLA |
| SBCA | : | Syed Jameel Ahmed, ASC
Dr. Raana Khan, AOR
Muhammad Salim Raza, DG
Abdul Waqar Memon, Sr. Director
Muhammad Saleem Raza,
Chief Controller |
| KWSB | : | Assad Ullah Khan, M.D. |
| NDMA | : | M. Idrees Mahsud, Member
Akbar Bacha, Deputy Director |

Jacobabad Administration	: Mr. Shafique Mehasar, Commissioner Dr. Hafeez Sial, DC Shumail Riaz, SSP Mazhar Hussain Alvi, AIGP
WAPDA	: Aamir Mughal, CE/PD, K-IV
Traffic Police	: Iqbal Dara, DIG Ghulam Navi, SSP (South)
Provincial Assembly	: Mr. Liaqat Ali, Law Officer
High Court of Sindh	: Mr. Karam Din Junejo, Nazir
KMC	: Mr. Umar Lakhani, ASC Murtaza Wahab, Administrator Azra Muqeem, Legal Advisor Afzal Zaidi, M/C Azhar Muqeem, Legal Advisor
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 Rana Khawar Iftikhar, CEO, Faisal Haider Ali Sial, CEO, Malir Qazi Rizwan Ahmed, CEO, Karachi, Cantonment Umar Mehboob, CEO
Date of Hearing	: 22.09.2021

ORDER

GULZAR AHMED, CJ.-

CRP.61-K of 2021:

Notice to the Advocate General Sindh.

Affectees of *Nalahs*:

2. There is a big issue for the Government of Sindh so also the Government of Pakistan to rehabilitate the affectees of the Gujjar *Nalah*, Orangi *Nalah* and Mehmoodabad *Nalah*, in that, the Government of Sindh says that it has no funds altogether to

provide for the rehabilitation of the affectees. The statement of the Advocate General Sindh on its face appears to be not reasonable rather such a statement ought not to have been made by the Advocate General Sindh before this Court rather the Sindh Government ought to have stated that as it had stated before this Court which is reflected in the previous orders of this Court, it will do everything to provide for the rehabilitation of the affectees of the above *Nalahs*. Funding for such rehabilitation is the responsibility of the Government of Sindh itself, in that, as a Government, it has to provide funding from its available resources and the Sindh Government cannot be obliterated of its responsibility. We, therefore, direct the Chief Minister, Government of Sindh to ensure that the affectees of the above *Nalahs* are rehabilitated by providing them all sorts of amenities, which are required in the present day living. The Chief Minister, Government of Sindh shall ensure that funding is arranged for this purpose and the affectees of the above *Nalahs* are rehabilitated in all manners preferably within a period of one year. An initial report under the hands of the Chief Minister, Government of Sindh shall be submitted before this Court within a period of two weeks from today.

C.M.A. No.996-K/2021 in C.R.P. No.56-K/2021:

3. Through the instant CMA, learned counsel for the applicant seeks permission to argue the review petition. We have heard the learned counsel for the applicant. For reasons mentioned in the application, the same is allowed.

C.R.P. No. 55-K and 56-K/2021 in C.M.A. No.625-K/2021 in Const. P. No.9/2010:

4. We have heard the learned counsel for the review petitioners and have also gone through the record of the case.

5. For reasons to be recorded later, both the review petitions are dismissed. The Commissioner, Karachi is directed to make compliance of the order dated 16.06.2021 passed by this Court.

C.M.A. No.1003-K/2021 and Report No.69-K/2021 in C.M.As. No.86-K & 711-K/2021:

6. Notice to Mr. Salahuddin Ahmed, learned counsel as well as the learned Advocate General, Sindh. Notice be also issued to the Administrator, Karachi so also the Commissioner, Karachi and the Director General, Karachi Development Authority. In the meantime, the Municipal Commissioners as well as the Director General, KDA and the CEOs of all the Cantonments in Karachi are directed to file complete list of ST (amenity) Plots all over Karachi and give their description, including total area, present status and as to for what purpose these ST (amenity) Plots are meant and being utilized. Details of ST (amenity) Plots shall be given individually, with photographs of each of the ST (amenity) Plots.

7. Adjourned to a date during the next session.

8. Dr. Saadia Virk appeared on behalf of the South City Hospital, Karachi, and requests for time to file response to the Court order dated 16.6.2021.

9. The request is allowed. Let the needful be done within a period of three weeks.

C.M.A. No.941-K/2020:

10. The explanation given by Mr. Shumail Riaz, Senior Superintendent of Police, Jacobabad though is not satisfactory but as he has tendered unconditional apology before the Court, we restrain ourselves to take any action against him, but he has been warned to be careful in future.

11. The Deputy Commissioner, Jacobabad states that demolition work of Meraj Hotel has been started and major part of the building has been demolished, however, a small portion remains to be demolished, which will be achieved at the earliest and the plot of land shall be restored for the purpose of school, for which it is meant. The Deputy Commissioner is directed to ensure that the demolition work be completed expeditiously and a final report regarding this property be submitted in Court before next date of hearing. The photographs of open plot of land occupied by Meraj Hotel shall be placed before the Court by the Deputy Commissioner.

Government Girls High School, Jacobabad:

12. The Deputy Commissioner, Jacobabad has filed a Report No.73-K of 2021 in Court today. Let a copy of such report be supplied to the applicant Ms. Maliha Malik who will give her response to it well before the next date of hearing. Re-list in the next session.

Hotel Al-Harmain and Saint John School:

13. The owners of Hotel Al-Harmain state that they have purchased the land from the Municipality in auction and thereafter, have constructed the Hotel. They seek time to file proper documents regarding the acquiring of land on which the Hotel has been built. The same party also claims to have been allotted land of Government Veterinary Hospital whereby they are running a school by the name of Saint John School and claims that the same has been allotted to them by the Chief Minister, Government of Sindh. We have asked them to show under what authority of law the Chief Minister can make allotment of the land of Government Veterinary Hospital for private/commercial purposes. They request for time.

14. The Deputy Commissioner, Jacobabad states that so far as the ground of Government Girls High School, Jacobabad is concerned,

the same has been got vacated from Abdul Baqi Abro of the Education Department who has built his house. He states that the house has been got vacated and the same has been handed over to the Education Department to be used for the purposes for which it is meant.

People Primary Healthcare Initiatives:

15. As regards the house of Riaz Jakhrani, it is stated by the Deputy Commissioner, Jacobabad that the land on which such house is built was allotted and is privately owned. We note from C.M.A. No.941-K of 2020, that the land on which Riaz Jakhrani has built his house is the land meant for People Primary Healthcare Initiatives. Let notice be issued to Riaz Jakhrani for appearance before the Court on the next date of hearing and also file his reply.

16. M/s. Ijaz Jakhrani and Sajjad Hussain Jakhrani have appeared in Court today. They shall file their replies.

17. Adjourned to a date during the next session.

Aladin Amusement Park:

18. The Commissioner, Karachi has filed a report bearing No.63-K of 2021. It seems that all the constructions which were made in the Aladin Amusement Park have been demolished and substantial *Malba* has also been removed, but some *Malba* still remains in the area. He states that for restoring the park, he has written a letter to the Government of Sindh for providing funds and that as soon as the funds are made available, he will take all necessary steps for establishing the park on the said land. Let the Commissioner, Karachi take expeditious steps in this regard. He will ensure that no encroacher or trespasser is allowed to occupy any portion of the land of the Aladin Amusement Park. Proper security in this regard shall be ensured by the Commissioner. He shall also ensure that a park is developed on the land and such is also done without delay.

19. Adjourned to a date during the next session.

C.M.A. No.698-K/2021:

20. Notice. Re-list during the next session.

CHIEF JUSTICE

JUDGE

Bench-I

Karachi

22.09.2021

'APPROVED FOR REPORTING'

Mahtab/*

JUDGE