

Sn No. 2370-K/2021
Syed Arif Shah

PLS.

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IN THE SUPREME COURT OF PAKISTAN

(Review Jurisdiction)

PRESENT:

Mr. Justice Gulzar Ahmed, HCJ
Mr. Justice Ijaz ul Ahsan
Mr. Justice Qazi Muhammad Amin Ahmed

Report No.76-K of 2021

In

Civil Review Petition No.61-K of 2021

In

Constitution Petition No.9 of 2010

REPORT OF CHIEF MINISTER, SINDH DATED
03.10.2021

Shehri & others

Applicant(s)

Versus

Naimatullah Khan & others

Respondent(s)

In Attendance:

Mr. Murad Ali Shah, CM Sindh
Mr. Salman Talib ud Din, AG Sindh
Murtaza Wahab, Administrator, Karachi

Date of hearing:

25.10.2021

ORDER

Pursuant to the order of this Court passed on
22.09.2021, a report dated 08.10.2021 has been filed on

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Supreme Court of Pakistan
Karachi

behalf of Chief Minister, Sindh. We have gone through
the report and have found it to be unsatisfactory and not
in line with the spirit of the order and the directions
contained therein. In view of the fact that the learned
Advocate General, Sindh has not been able to justify the
said report and considering that we had directed that the
report be filed by the Chief Minister, Sindh under his own

shall appear in person. He has appeared before us and made an effort to justify the contents of the report which explanation has been found by us to be equally unsatisfactory.

2. We have drawn his attention to paragraphs 13 to 16 of the report which state that it was decided that the Government of Sindh would provide land free of cost to the affectees and in order to develop infrastructure as well as construction of Housing units for the affectees, an application would be filed before this Court for disbursing a sum of Rs.10 billion out of the money deposited by Behria Town pursuant to the orders passed by this Court, part of which amount has already been deposited with this Court by Behria Town. We informed the Chief Minister, Sindh that in the first place, we have repeatedly pointed out in the past that the said matter is *sub judice* before an Implementation Bench of this Court to decide on the best way to utilize the amounts recovered from Behria Town. It is the sole and exclusive prerogative of the Implementation Bench to find the best way to utilize the said funds for the benefit of people of Sindh. Even on the last date of hearing, it was categorically made clear to the Advocate General, Sindh that Government of Sindh needs to generate its own funds to rehabilitate the IDPs without relying upon hoping that any funds will be

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released to it by the Implementation Bench for the aforesaid purpose. The said position was emphasized to the Chief Minister, Sindh. He was informed that the Local Government and Housing Town Planning Department should immediately initiate a non ADP Scheme titled "Resettlement of affectees of Gujjar Nullah, Mohamedabad Nullah and Orangi Nullah" at an estimated cost of Rs.10 billion as per the decision of the Sindh Cabinet. However, funding for the scheme must be arranged/generated by the Sindh Government from its own sources. For immediate execution all legal and procedural formalities must be completed by the Government of Sindh in this regard. The Chief Minister, Sindh therefore undertook as follows:

- i) The Scheme titled "Resettlement of affectees of Gujjar Nullah, Mohamedabad Nullah and Orangi Nullah" at an estimated cost of Rs.10 billion shall be executed by the Government of Sindh;
- ii) The Government of Sindh shall ensure completion of all legal and procedural formalities on priority basis; and
- iii) In the current financial year, a sum of Rs.1 billion shall be provided by the Government of Sindh from its own sources. The balance amount of Rs.9 billion shall also be provided by the Government of Sindh from its own

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sources and the project shall be completed in all respects within a maximum period of two years.


3. In view of the undertaking given by the Chief Minister, Sindh, we are sanguine that the aforementioned project shall be completed within the timeframe mentioned above in an organized, effective and professional way in order to ensure that IDPs of the Nullahs are provided housing and infrastructural facilities including water, gas, electricity, sewerage, streets and roads, etc which are the basic requirements of the modern age living. The Government of Sindh shall file monthly reports regarding the progress made in this matter supported by necessary documentation and photographs of the work being undertaken on the site/land already allocated and earmarked by the Government of Sindh for this purpose.

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4. We have also pointed out to Chief Minister, Sindh that there is a complete systemic failure insofar as all institutions including KDA, KMC & SBCA, etc which are charged with the responsibility of administering the city in an organized, orderly and lawful manner have become ineffective and redundant. Further, the frequent transfers and postings of those heading these institutions has led to mal-administration, bad governance, failure to implement policies and general lack of interest in

enforcement of laws, rules, regulations, bye-laws and schemes. In response, the Chief Minister, Sindh has submitted that transfers and postings are necessitated on account of non availability of human resource insofar as large a number of posts from Grade-17 to Grade-21 have been lying vacant on account of failure on the part of the Federal Government to post officers against the said positions. He maintains that repeated requests made to the relevant functionaries of the Federal Government have not evoked any positive response which is reflecting badly and affecting the governance of Karachi. We have called upon the learned Attorney General for Pakistan to address this issue. He submits that details of vacant posts may be communicated to him and he will take up the matter with the concerned authorities in the Federal Government and ensure that suitable officers are posted against the said positions expeditiously.

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5. Mr. Murtaza Wahab, Administrator, Karachi has also appeared in person. The report filed by him has been found unsatisfactory. We have directed him to submit a complete list of amenity plots within the jurisdiction of KMC and the present status of each such plot together with its dimensions and a note to the effect whether these are being used for the purpose spelt out in the Master Plan. He has also been directed to ensure that

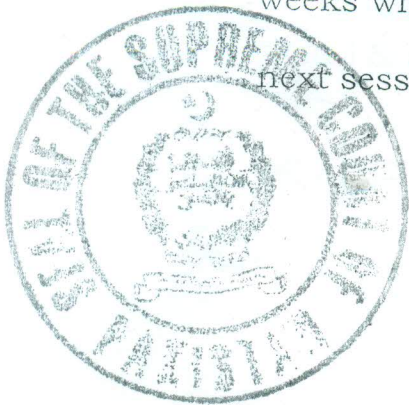
all playgrounds for children must be restored, encroachments removed immediately and steps be taken to ensure that said areas are not encroached again. He submits that a large number of shops approximately 9500 are owned by KMC which had been leased out on very low rent in the past. In addition, a number of huts on Hawksbay have also been leased out at abysmally low rates of rent. He maintains that steps are being taken to enhance the rent and bring it upto the level of current market rates. We have directed him to submit a complete list of all such shops and huts identifying each by its number and location whereafter this Court would pass appropriate orders (if necessary). We have also been informed that Gattar Bageecha Park being one of the Parks required to be maintained by KMC is a picture of neglect and has been taken over by encroachers. We direct the Administrator Karachi to make sure that original nature of the Gattar Bageecha Park is restored and the same is maintained properly for the general

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6. We also notice that despite formation of Anti Encroachment Tribunals, most such Tribunals are without any work in view of the fact that different functionaries of the Government of Sindh are not interested in getting encroachments removed. This

amounts to institutionalized corruption which must be dealt with at all costs through all legal instruments available under the law. Let the Administrator, Karachi file a report explaining why his office has kept quiet on the issue and desisted so far from approaching the Tribunal for orders regarding removal of encroachments through legal process. Let the aforesaid information complete in all respects be placed on record within two weeks whereafter the matter shall be listed for hearing in next session.



Sd/-Gulzar Ahmed, CJ
 Sd/-Ijaz ul Ahsan, J
 Sd/-Qazi Muhammad Amin Ahmed, J

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 Judicial Assistant
 Supreme Court of Pakistan
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KARACHI, THE
 25th October, 2021
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 Not Approved For Reportin

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