

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 Muqem, Legal Advisor Afzal Zaidi, M/C Azhar Muqem, 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, C.J.-**

**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-Harain and Saint John School:**

13. The owners of Hotel Al-Harain 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'

Mahab/

**JUDGE**