

Phone: 9212327

SUO MOTO CASE NO: 06 / 2021
SUPREME COURT OF PAKISTAN

Karachi, the 07th Dec., 2021

From:

The Deputy Registrar,
Supreme Court of Pakistan,
M.R. Kayani Road,
Karachi.

To,

1. The Chairman P.E.C.H.S., Karachi.
2. Mr. Obaid-ur-Rehman Khan, ASC
Thr. Mr. K.A. Wahab, AOR, at Karachi.
3. Mr. Amber Alibhai, General Secretary,
Shehri-Citizen For Better Environment,
88-R, Block-2, P.E.C.H.S. Karachi.

SUBJECT:- SUO MOTO CASE NO: 06 OF 2021
(Relating to illegally occupying Greenbelt Area
of P.E.C.H.S. Karachi)

order
date
26.11.21

I am directed to enclose herewith a certified copy of the Order of this Court dated: 26-11-2021, for immediate necessary compliance and report as directed by the Court.

2. The receipt of this letter along-with its enclosure may kindly be acknowledged.

Encl:- Certified copy of Order.

(JUDICIAL ASSISTANT)
FLXTURE
For Deputy Registrar,
Karachi.

u.s.

PRESENT:

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

Suo Motu Case No.6 of 2021

In attendance:

For P.E.C.H.S.

Mr. Obaid-ur-Rehman Khan, ASC
With Waris-un-Nabi Awan, Chairman
P.E.C.H.S.

For K. Electric.

Mr. Arshad M. Tayab Ali, ASC

For Sheri Citizen.

Ms. Ambar Alibhai

Date of hearing:

26.11.2021.

order
date
26.11.21

ORDER

The Chairman, P.E.C.H.S. has appeared before the Court with his counsel, namely, Mr. Obaid-ur-Rehman Khan. Let a copy of first original layout plan of P.E.C.H.S. be filed before the Court. The Chairman in this regard is personally made liable for making compliance of the Court order. He shall attend the Court proceedings on the next date of hearing. Ms. Amber Alibhai also states that she has with her the copy of original layout plan of P.E.C.H.S. She is also allowed to file the same on the next date of hearing. After considering the layout plan and hearing learned counsel for the parties, necessary orders will be passed.

Adjourned to a date after one month.

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



CERTIFIED TO BE TRUE COPY

Judicial Assistant
Supreme Court of Pakistan
Karachi

Order date
16.06.2021
~~NASLA~~
Tower

slaw

IN THE SUPREME COURT OF PAKISTAN
(Original Jurisdiction)

PRESENT:
MR. JUSTICE GULZAR AHMED, HCJ
MR. JUSTICE IJAZ UL AHSAN
MR. JUSTICE QAZI MUHAMMAD AMIN AHMED

CMA No. 625-K of 2021
In
Constitution Petition No.9 of 2010

Naimatullah Khan Advocate ...Applicant(s)

VERSUS

Federation of Pakistan, etc ...Respondent(s)

In attendance: Mr. Abid S. Zuberi, ASC
Mr. K. A. Wahab, AOR

Date of Hearing: 16.06.2021

ORDER

This application has been moved on behalf of allottees/possession holders of flats located within the residential and commercial building known as 'Nasla Tower' which has been constructed on encroached land i.e. Plot No.A-193, Sindhi Muslim Cooperative Housing Society, Karachi. The application in question is a replica of the application (CMA No.576-K of 2021) which has already been dismissed by us today. The applicants are residents of the building which has been found by us to have been constructed on encroached land and has therefore been ordered to be demolished. The fate of their case is dependent on the fate of the case of the owners of the building (Nasla Tower) and they sail and sink with them.

2. In view of the findings recorded by us in CMA No.576-K of 2021, this application (CMA No.625-K of 2021) is also liable to be dismissed and it is so ordered. We may however observe that the allottees/owners of residential units/shops in the illegally constructed Tower (Nasla Tower) are entitled to refund of amounts paid by them towards purchase of residential units/shops within three months from the date of this order. In case, such refund is not paid within the time specified above, the claimants will additionally be entitled to claim markup/ profit/damages and will be at liberty to initiate independent legal proceedings against the owners of Nasla Tower for recovery of markup/profit/damages, etc (if so advised) before Courts of competent jurisdiction for implementation of the order this Court.

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

KARACHI, THE
16th of June, 2021
ZR/*
Not Approved For Reporting