

- Mr. Ghazanfar Ali Laghari, D.C. Malir  
Mr. Farid Uddin, D.C. Jamshoro
- For KMC : Mr. Laiq Ahmed, Administrator  
Mr. Afzal Zaidi, Municipal  
Commissioner  
Ms. Azra Muqem, Legal Advisor
- For SIBCL : Nemo
- For KWSB : Mr. Asad Ullah Khan, Managing  
Director
- For CAA : Nemo
- For SBCA : Syed Jamil Ahmed, ASC  
Mr. Shamsuddin Soomro, Director  
General  
Mr. Shahid Jameel ud Din, Principal  
Law Officer
- For NESPAK : Mr. Muhammad Farooq, General  
Manager
- For KPT : Mr. Yawar Farooqi, ASC  
Syed Mumtez Hussain, MLA
- For Estate Office Karachi : Mr. Abdul Azeem Jatoi, Deputy  
Director
- For the NAB : Syed Amjad Ali Shah, DPG  
Mr. Abdul Sattar Awan, ADPG
- For Sindh High Court : Mr. Karamuddin Junejo, Nazir
- For NDMA : Mr. Akbar Bacha, Deputy Director
- For Military Land and : Mr. Saleem Hassan, CEO, Cantt:  
Cantonments Board  
Qazi Rizwan Ahmed, CEO, Karachi  
Cantonment Board  
Mr. Omer Masoom Wazir, CEO,  
Korangi  
Mr. Haider Ali Sial, CEO, Malir
- Date of Hearing : 30.12.2020

ATTESTED

Senior Court Associate  
Supreme Court of Pakistan  
Karachi

ORDER

GULZAR AHMED, C.J.-

Kidney Hill Park

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

The issue regarding the Kidney Hill Park was taken up by  
the Court and as noted in the order dated 29.12.2020, a portion of 7.3

30.12.2020  
order

acres of the Kidney Hill Park is still encroached upon. Ms. Amberali, Bhai has stated that Faran Society has allotted 24 plots (plots No. 88 to 111) in the land of Kidney Hill Park, where houses have been constructed. These allotments of land in the Kidney Hill Park by the Faran Society, apparently, are illegal and *ab initio* void, and all the 24 plots have to be retrieved from their occupants and houses demolished for making such land into a park.

2. Notice be issued to the President and Secretary of Faran Society, who shall appear before the Court on the next date of hearing. Notice be also issued to the occupants of the said 24 houses.

3. Further, it is informed by the lady that in the Overseas Housing Society, which is also adjacent to the Kidney Hill Park, some residents have started encroaching upon the Kidney Hill Park's land and are extending the area of their plots by making excavation on the slope of the hill of the Kidney Hill Park. Four plots have so far been identified, i.e., Plots Nos. 35, 41, 44 and 45. Notice be issued to the occupants of these plots.

4. In the meantime, the Commissioner, KMC shall ensure that all the land of the Kidney Hill Park is got vacated and all sort of constructions thereon are demolished. The Commissioner, Karachi will also make compliance of the Court order and submit report. Adjourned to a date after two weeks.

**Karachi Port Trust**

**CMA No.700-K OF 2020 IN CRP No.Nil-K of 2020 in CONST. P. No.9 of 2010**

5. So for the land of KPT adjacent and running along with Mai Kolachi Road and reaching to the seashore from all sides has to be converted into Mangroves park and in this respect the Court has already passed order dated 12.08.2020. No action so far has been taken by KPT for restoring the Mangroves on this land.

ATTESTED

Senior Court Associate  
Supreme Court of Pakistan  
12/8/20

6. Mr. Yawar Farooqi, learned counsel for KPT states that the very KPT Board is being reconstituted and the same will be done by the Federal Government in some time. He states that new Chairman of KPT has already been appointed, who has taken the charge. On our question Mr. Yawar Farooqi, learned counsel for KPT states that KPT is functioning.

7. In this view of the matter, let the Chairman, KPT make compliance of the Court's order and immediately start work of plantation of Mangroves on this land and before doing so, remove all the sand, which has been dumped on this land and bring it to the level of sea tides, so that, the sea water can easily enter upon the Mangroves and further flow up to the limits of Bath Island. Compliance in this regard be made in one month time and report be submitted to the Court in the hands of the Chairman, prior to the next date of hearing.

C.M.As No.334-K,<sup>CRP</sup> (21-K and<sup>C-114</sup> 700-K of 2020

8. These applications seek review of the clarification of order dated 12.08.2020 in respect of KPT land adjacent to Mai Kolachi Road. Learned counsel for the petitioners/applicants state that they may be made entitled to claim compensation/damages from whom the plots in question were purchased by them. To the extent of this submission, the order already provides for the relief to the petitioners/applicants. Now what is being said is that the petitioners/applicants may be allowed to claim compensation/damages from all the previous owners of the plots, including KPT. We may note that in our order this very aspect of the matter has already been dealt with but the liability of KPT to its allottees has been fixed.

ATTESTED  
  
Senior Court Associate  
Supreme Court of Pakistan  
Karachi.

Be that as it may, the petitioners/applicants make their claims, which will be decided by the Court in accordance with law.

10. The applications in the above terms stand disposed of.

C.M.A.No.119-K of 2020

11. The report submitted by the learned counsel for KPT in Court today is taken on record, subject to all just exceptions.

Evacuee Trust Property Board (ETPB)

C.M.A.No.602-K of 2020

12. The Evacuee Trust Property Board (ETPB) has made an application stating therein that its land has been encroached upon by the land grabbers. If that be so, the ETPB has remedy provided in its very Law and also general remedy provided by other laws. The applicant may avail such remedy and take action against the land grabbers accordingly. The Senior Member Board of Revenue (SMBR) shall assist the applicant in obtaining its land from the land grabbers.

13. The above CMA is disposed of.

Non-Supply of Water

C.M.A.No.770-K of 2020

14. Report has been filed by the official of the Clifton Cantonment Board. He states that the Clifton Cantonment Board will ensure availability of water to each of the residents of the area and in this regard he has to do some work and then put up a report before this Court. Let such report be filed within a period of one month.

Royal Park

C.M.A.No.517-K of 2020

15. The application is not pressed; the same is dismissed as such.

C.M.A.No.121-K of 2020

16. The Commissioner, Karachi, has submitted a report showing that out of the five towers of Royal Park, three have already been demolished and two are in the process of being demolished. He

ATTESTED

Seal of Advocate  
Supreme Court of Pakistan  
Karachi

5/2

states that for early completion of this task, the Director General, SBCA, may be directed to provide assistance to the Commissioner, Karachi. The Director General, SBCA, present in Court, states that he will provide maximum assistance to the Commissioner, Karachi, for completing the task of demolition of building and removal of *Malba* from that land. Further, the SMBR is also directed to provide necessary staff and machinery to the Commissioner, Karachi, for facilitating early completion of demolition work of the building so also removal of *Malba* from it. After buildings are demolished and *Malba* is removed, this land will be converted by the Commissioner, Karachi, into a park and he will immediately start plantation of trees and creating of green areas in it. No part of this land shall be used for commercial purposes nor any permanent structure will be allowed to be constructed in it. The Commissioner, Karachi, shall submit further report in this regard in one month's time.

17. So for the case of the allottees of Royal Park is concerned, it is stated by Mr. Salahuddin Ahmed, learned counsel for the applicants that both the owners of the buildings have fled away from the country and the allottees find themselves in a situation, where they may not be able to make much recovery. He contends that the builders of Royal Park have another property in the process of being built, of which none of the units have been sold and it is named as Creek Side Shopping Centre, Phase-VIII, DHA, Karachi, on five acres of the land. Learned counsel has read documents to show that the builders of Royal Park are builders of this project also.

18. In the circumstances, let the above project be attached and for this purpose, the Commissioner, Karachi is directed to take over possession of the project Creek Side Shopping Centre noted above and ensure that no part of this project is allowed to be occupied by anyone

ATTESTED

Senior Counsel  
Supreme Court of Pakistan  
Karachi.

and he will take possession of the same. No part of this shall be sold or any third party interest created by the owners. The Commissioner, Karachi shall file a report in one month's time, giving the status regarding the attached property.

**Karachi Gymkhana**

**Report No.98-K of 2020**

19. Report has been filed by Karachi Gymkhana by way of CMA No.98-K of 2020. Learned Advocate General, Sindh, submits that he will obtain copy of the said CMA and file an appropriate response to it.

20. We are informed that Ms. Yasmeen Lari, on account of demise of her husband is in *iddat* and, thus, she has not appeared in the Court today. This matter will be taken up after one month. In the meanwhile, previous orders passed by this Court shall remain in operation.

**Hyper Star**

**CMA No.617-K of 2019**


21. Notice to purported owner of the land.

**P&T Colony**

**CMA No.889-K of 2019**

22. Nothing seems to have been done in respect of removal of the construction from Postal and Telegraph Colony (**P&T Colony**) and even we note that the land given to the Pakistan Navy for maintenance of its cantonment, has been leased out to private persons and huge buildings have been constructed all along the Chaudhry Khaliq-uz-Zaman Road, Karachi. Such buildings, apparently, are illegally constructed and in any case, the cantonment land cannot be used for construction of private buildings or private houses by the private owners, and even we find that categorization of cantonment lands,

ATTESTED

  
Senior Court Associate  
Supreme Court of Pakistan  
Karachi.

1/2

apparently, runs contrary to the provisions of the Constitution of Pakistan, which needs to be examined threadbare.

23. Issue notice to the Attorney General for Pakistan under Order XXVII-A CPC read with Order XXIX of the Supreme Court Rules, 1980 for assisting the Court, regarding all cantonment lands and also regarding land of P&T Colony, which land belongs to the Federal Government and on which there existed quarters for the employees of P&T Office and now there are more than 250 multistoried buildings constructed, and such buildings are in the process of being occupied.

24. The Federal Government should immediately take steps for removal of the constructions on the land of P&T Colony and restore the same for the purpose for which it was originally meant for. The Federal Government, in this respect, shall file a report before this Court in one month's time.

**C.R.P. No.22-K of 2020**

25. No ground for review is made out. Consequently this Civil Review Petition is dismissed.

**Empress Market**

**CMA No.22-K of 2019**

26. Dismissed.

**Illegal Marriage Halls**

**CMA No.849-K of 2020**

ATTESTED  
  
Senior Court Associate  
Supreme Court of Pakistan  
Karachi.

27. Let notice of this application be given to the learned Advocate General, Sindh so also the Director General, Sindh Building Control Authority and the Director General, Karachi Development Authority for a date after one month.

**CMA No.911-K of 2020 in C.M.A.No.849-K of 2020.**

28. This CMA has been filed for deletion of names of some of the applicants from CMA No.849-K of 2020 as they no longer wish to be part of the said application.

29. For the reasons mentioned in the instant CMA, the same is allowed.

30. The Commissioner, Karachi Division, has filed a Report being CMA No.121-K of 2020, showing that some work has been done on Shahrah-e-Quaideen. He states that work is going on this road and further improvement will be made. He further states that he is looking into the matter of residential apartments, namely, Nasla Tower, situated at Shahrah-e-Quaideen and ensures that appropriate action will be taken for that the building has been constructed on the land, which was originally a road/*Nala* land. A report, in this behalf, shall be submitted by the Commissioner, Karachi within one month

To come up after one month.

Sd/- Gulzar Ahmed, CJ  
Sd/- Sajjad Ali Shah, J.  
Sd/- Qazi Muhammad Amin Ahmed, J.



Bench-I  
Karachi  
30.12.2020  
NOT APPROVED FOR REPORTING  
Rabbani/

*[Handwritten signature]*

CERTIFIED TO BE TRUE COPY

*[Handwritten signature]*  
Sd/- Sajjad Ali Shah, Associate  
Supreme Court of Pakistan  
Karachi

Case No. CMA-P 9/25/0  
Date of presentation 7-1-2021  
No. of words 6600  
No. of Pages 66  
Registration Fee Rs. 5000  
Copying Fee in 39,32  
Court Fee stamps 49,32  
Date of completion of copy 7-1-2021  
Date of delivery of copy 7-1-2021  
Compared by / *[Signature]*  
Received by Syed Anif Shah