

Phone: 9212310.

NO: Const. P. 09 OF 2010, etc
SUPREME COURT OF PAKISTAN

Karachi, the 09th April, 2021

From:

The Senior Court Associate,
Supreme Court of Pakistan,
M.R. Kayani Road, Karachi.

To,

1. The Attorney General for Pakistan, Islamabad.
C/o Deputy Registrar (J)
2. The Advocate General Sindh, at Karachi.
3. The Chief Secretary Sindh, Sindh Secretariat, Karachi.
4. The Registrar, High Court of Sindh, at Karachi.
5. The Commissioner of Karachi.
6. The Senior Member Board of Revenue, Karachi.
7. The D.G, Sindh Building Control Authority, Karachi.
8. The D.G, Frontier Works Organization, Headquarter
Kashmir Road R.A Bazar, Rawalpindi. **C/o Deputy Registrar (J)**
9. The Secretary Transport, Mass Transit Department,
Government of Sindh, Karachi.
10. The Secretary Works Cooperative Housing Society,
Karachi
11. The Secretary, Ministry of Railways, Govt. of Pakistan,
Islamabad. **C/o Deputy Registrar (J)**
12. ✓ Mr. Amber Alibhai, General Secretary Shehri-Citizen
For Better Environment, 88-R, Block-2, PECHS Karachi.
13. The Owner/Builder, NASLA Project, Karachi. through
Commissioner of Karachi.
14. The Mukhtiarkar Ferozabad, ^{thru} **Commissioner of Karachi.**

SUBJECT:- CONSTITUTIONAL PETITION NO:09 OF 2010, etc.
(Naimatullah Khan Advocate Vs. Federation
of Pakistan and others, etc.)

I am directed to enclose herewith a certified copy of the Order of this Court **Dated 08-04-2021**, for immediate compliance as directed by the Court.

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

Encl:- Certified copy of Order.


(SYED ZAFAR ALI)
Senior Court Associate

WTC

SUPREME COURT OF PAKISTAN
(Original Jurisdiction)

PRESENT:

Mr. Justice Gulzar Ahmed, CJ
Mr. Justice Ijaz ul Ahsan
Mr. Justice Mazhar Alam Khan Miankhel

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

**Civil Review Petition No.15-K of 2021 IN CMA No.906-K of 2020 in
CONST. P. No.9 OF 2010**

[Naeemuddin Vs. Pakistan Railway (Regarding Encroachment over
Pakistan Railway Land & Revival of KCR) (Tejori Hights/Tower)]

AND

CMA No.167-K OF 2020 IN CONST. P. No.9 OF 2010

[Application for intervener filed by Syed Muhammad Iqbal Kazmi
(The matter regarding KCR project and demolishing of illegal
construction in Karachi)]

AND

CMA No.177-K OF 2020

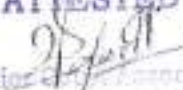
[Application for intervener filed by Farhad Younus Memon (The
matter regarding 650 constructed Houses in Project No.7
(PRECHS) near Gillani Station, Gulshan-e-Iqbal Karachi)]

AND

CMA No.367-K OF 2020 IN CONST.P. NO.9 OF 2010

[Shamim Ahmed Siddiqui Vs. Federation of Pakistan and others
(regarding encroachment over Railway Land/Safari Park)]

ATTESTED


Senior Associate
Supreme Court of Pakistan
Karachi

AND

CMA No.541-K OF 2020

[Muhammad Ahmed Khan & others Vs. Federation of Pakistan & others (Matter regarding Pakistan Railway employees Co-operative Housing Society)]

AND

CMA No.630-K of 2020

[Pakistan Railway Employees Co-operative Housing Society Limited Vs. Federation of Pakistan & others (The matter pertains to encroachment over Railway Land on account of Railway Co-operative Housing Society)]

AND

CMA No.898-K of 2020

[Pakistan Railways through Divisional Superintendent Vs. Federation of Pakistan & others (regarding encroachment over Pakistan Railway Land and Revival of KCR)]

AND

CMA No.277-K of 2021 in Civil Review Petition 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 (Regarding Encroachment over Pakistan Railway Land & Revival of KCR) (Tejori Hights/Tower)]

AND

CMA NO.278-K OF 2021

[M/s Karachi Town Builders Vs. Pakistan Railways (Regarding Encroachment over Pakistan Railway Land & Revival of KCR) (Tejori Hights/Tower)]

AND

CMA NO.770-K OF 2020

[Matter regarding non-supply of water through already decided Water lines in DHA Karachi]

AND

CMA NO.425-K OF 2021

[Kamran Khan & other (application for intervenor on behalf of Kamran Khan & others) Vs. Federation of Pakistan & others]

ATTESTED

Senior Associate
Supreme Court of Pakistan
Karachi.

AND

**CMA No.948-K OF 2020 in Civil Review Petition No.Nil-K of 2021 in
Const. P. No.9 of 2010**

[Asian Pacific Alliance of YMCSs Vs. Federation of Pakistan &
others (Regarding YMCA ground)]

AND

CRL. M.A. NO.52-K OF 2018 IN CRL.O.P. NO.7-K OF 2017

[Application for Intervener filed by Muhammad Asif Shafi (Against
seeking direction for demolition of illegal construction on Plot 70-
A, Sindhi Muslim Cooperative Housing Society, Karachi)]

AND

CMA No.631-K OF 2019 IN CONST. P. No.9 OF 2010

[Application for Intervener filed by Mrs. Nelofar Abbasey (Illegal
construction is carried out by King Builders over Private Park/
Amenity Plot)]

AND

CMA NO.78-K OF 2020 IN CONST.P. NO.9 OF 2010

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

AND

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. (regarding
Hyatt Regency Hotel)]

AND

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

[Abu Turab Vs. Federation of Pakistan & others (regarding Illegal
constructions in side of Kidney Hill Land situated at Faran
Society, Barrister Ahmed Board, near Dhooraji Colony, Karachi)]

AND

CMA No.714-K OF 2020 IN CONST. P. No.9 OF 2010

[Niamatullah Khan vs. Fedesffration of Pakistan & others (matter
regarding Al-Fatah Masjid Admeasuring 1400 Sq. Yards at Kidney
Hill Ahmed Ali Park, Faran Society, Karachi)]

ATTESTED

Senior Counsel Associate
Supreme Court of Pakistan
Karachi.

AND

CMA No.424-K OF 2021

[Mr. Ibrahim Younus & others Vs. Federation of Pakistan & others
(kidney Hill Park Land)]

AND

**CRP No.19-K OF 2020 IN CMA No.145-K OF 2020 IN CONST. P. No.9
of 2010**

[Application for intervener filed on behalf of Mrs. Roshen Motan
through her Sub Attorney Abdul Rauf Afghan Vs. Federation of
Pakistan & others (matter pertains to Illegal Construction over
part of Hill Park Land i.e. Plot No.38-G/1 in Block-6, PECHS,
Karachi)]

AND

**CRP No.20-K OF 2020 IN CMA No.147-K OF 2020 IN CONST. P. No.9
OF 2010**

[Application for intervener filed on behalf of Mrs. Gul Nilofeer and
others Vs. Federation of Pakistan & others (matter pertains to
Illegal Construction over part of Hill Park Land i.e. Plot No.38-G/1
in Block-6, PECHS, Karachi)]

AND

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

CMA No.86-K OF 2020 IN CONST. P. No.9 of 2010

[M/s Ishaq Enterprises Vs. Federation of Pakistan and others
(Concise Statement with regard to allotment/mutation of COM-3)]

AND

CMA No.711-K of 2020 IN CONST. P. No.9 of 2010

ATTESTED

Secretary
Supreme Court of Pakistan
Islamabad.

[M/S Ishaq Enterprises Vs. Federation of Pakistan & others
(Objection filed on CMA No.86-K/2020)]

AND

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
36, Gulistan-e-Johar, Karachi)]

AND

CMA No.594-K OF 2020 IN CONST. P. No.9-K OF 2010

[M/s Madrasa Tahfeezul Quran 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

CMA No.617-K of 2019 IN CONST. P. No.9 OF 2010

[Application for Intervener filed by Venu G. Advani (Against illegal conversion of plot from residential into commercial locals at Block 4, Scheme-5, Clifton, Karachi)]

AND

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 (regarding ownership of P & T Colony, also declared as katchi abadi)]

AND

CrI.M.A. No.199-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 Arif Hussain and others (For seeking direction to stop demolition of National Museum Building at Burns Garden, Karachi)]

AND

CRL. M.A. No.229-K/2018 IN CRL. ORG.P. No.7-K/2017

[Application for Intervener filed by Mr. Ghulam Qadir Jatoi, AOR on behalf of KDA Officers Club (Against Illegal and unconstitutional partial demolition on the premises of the applicant at Plot, St.6, Off. Kashmir Road, Karachi)]

AND

CRL. M.A. No.185-K/2020

[Javed Hanif Rajput Vs. Syed Nasir Abbas, Director General (KDA) & others (Applicant is aggrieved by the demolishing of club and lawn)]

AND

CRP No.28-K of 2020 IN CONST. P. No.9 of 2010

[K-Electric Ltd. Vs. Federation of Pakistan and others (matter regarding fatal incidents resulting from electrocution in the service territory of K-Electric)]

ATTESTED

Senior
Supervisor

AND

CMA No.849-K of 2020 in CONST. P. No.9 of 2010

[Muhammad Zahid and others Vs. Nasir Salim Baigh & others
(matter regarding demolishing of illegal marriage halls on the main
road near Korangi Crossing just opposite the Judicial Complex &
District Courts, Karachi)]

AND

CMA No.423-K of 2021

[Muhammad Siddique & others Vs. Federation of Pakistan &
others (Removal of Encroachment from Marriage Halls of Korangi
Township)]

AND

CMA No.940-K of 2020

[Muhammad Yousaf Vs. Federation of Pakistan & others
(Regarding Sugarcane Crushing Machines Situated at Hasrat
Mohani Road, Near Café Victory, Karachi)]

AND

CMA No.964-K OF 2019 IN CONST. P. No.9 OF 2010

[Application for intervener filed by Mrs. Mahamadi (regarding
removal of illegal parking areas and street parking at DHA)]

AND

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

**Crl. Org. P. No.4-K OF 2020 IN Crl. M. A. No.149-K of 2010 in
CONST. P. No.9 of 2010**

[M/s Pearl Builders (Pvt) Ltd Vs. Federation of Pakistan & others
(Matter Pertains to removing of the rubble from the plot No. St-15
and recovery of cost)]

AND

**CMA No.318-K OF 2020 IN CMA No.149-K OF 2020 IN CONST. P.
No.9 of 2010**

[M/s Pearl Builders (Pvt) Ltd Vs. Federation of Pakistan and
others]

ATTESTED
Senior Associate
Secretary
Karachi.

AND

CRL. M.A. No.121-K OF 2017 IN CRL. ORG. P. No.7-K OF 2017

[Application for intervener filed by Muhammad Essa (60 feet land reserved for Bus Stop divided into 80 Sq. Yd. Plots – China Cutting Plots)]

AND

CRL. M.A. No.38-K OF 2018 IN CRL. ORG. P. No.7-K OF 2017

[Application for intervener filed by applicant namely Akbar Hussain (against China Cutting of plots by manipulated documents of plot No.R.160/4 and 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 Prof. Dr. Muhammad Shahid Hussain (encroachment over public road in between St. 6 to St. 8, Gulshan-e-Iqbal Block 4, KDA Scheme-24,ss Karachi)]

AND

CRL. M.A. No.59-K OF 2018 IN CRL. ORG. P. No.7-K OF 2017

[Application for intervener filed by Mr. Ghulam Rasool Mangi, AOR on behalf of applicant namely Shah Muhammad (against encroachment made around Ziauddin Hospital, Clifton Karachi by its management and false cases registered against applicant)]

AND

CRL. M.A. 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 and sector 51-C, Korangi Township, Karachi)]

AND

CMA No.179-K OF 2020 IN CONST. P. No.9 of 2010

[Application for intervener filed on behalf of Rashid Ali (Demolishing of petrol pump on plot No.PP- Shahrah-e-Quaideen, Karachi)]

AND

C.P. No.422-K OF 2020

[Mst. Zahida Naz Vs. Province of Sindh and 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)]

ATTESTED

Secretary
Supreme Court of Sindh
Karachi

KA

AND

CMA No.767-K OF 2020 IN CONST. P. No.9 of 2010

[Syed Masood Ahmed and others Vs. Federation of Pakistan and others (Defence Officers Housing Authority has been and is illegally converting various plots to use other than its original use)]

AND

CRL. M.A. No.19-K OF 2018 IN CRL. ORG. P. No.7-K OF 2017

[Application for intervener filed by Mr. A.S.K. Ghori, AOR on behalf of applicant namely Muhammad Jaffar (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 stretched to encompass the cantonment area)]

AND

CRL. M.A. No.124-K OF 2017 IN CRL. ORG. P. No.7-K OF 2017

[Application for intervener filed by Muhammad Ismail Shaheedi (regarding lands illegally occupied by land grabber in Karachi

AND

CRL. M.A. No.132-K/2017 IN CRL. ORG. P. 7-K OF 2017

[Application for intervener filed by AOR for the applicant Anjuman-e-Kalyana (Amenity plot allotted for Kalayana Community Centre at North Karachi as illegally demolished by respondent)]

AND

CRL. M.A. No.111-K OF 2018 IN CRL. M.A. 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. M.A. NO.243-K OF 2018 IN CRL. M.A. 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. M.A. No.8-K OF 2018 IN CRL. ORG. P. No.7-K OF 2017

[Application for intervener on behalf of Anjuman-e-Sadat-e-Amroha (for restraining from demolishing further construction on the applicant plot which was allotted by KDA to Anjuman on 6.8.1974)]

ATTESTED

Signature
Sup

AND

CRL. ORG. P. NO.19-K OF 2017 IN CRL. ORG. P. No.7-K OF 2017

[Ghulam Muhiyuddin vs. Province of Sindh through Secy: Local Govt. and others (matter pertains to 35000 plots at 112 sites of KDA Schemes/Township will be got vacated and recovered and put to use for which they were originally meant in master plan)]

AND

CRL. M.A. No.20-K OF 2018 IN CRL. ORG. P. No.7-K OF 2017

[Application for intervener filed by Muhammad Races (regarding encroachment on applicant's plot by constructing boundary wall thereon by Mr. Hussain Rajpar, Land Grabber)]

AND

CRL. M.A. 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 Aunjuman-e-Muslman-e-Kalyana (seeking direction to restrain KDA & SBCA to not to demolish Girls College, Girls School, Coaching Centre and Medical Centre established on amenity plot)]

AND

CMA No.59-K OF 2019 IN CONST. P. No.9 OF 2010

[Application for intervener filed by Syed Arif Shah (Encroachment on amenity plot allotted at Orangi for establishing Muslim Missionary College and Allied Institutions)]

AND

CMA No.349-K of 2019 in C.P. No.815-K of 2016

[Application for intervener filed on behalf of Public Interest Law Association of Pakistan (for seeking direction of this Court to have empty 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 (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 (regarding demolishing of all illegal construction and usage of public property on main Korangi service road)]

ATTESTED

Senior
Supervisor
Supervisor

1/1

AND

CM. APPEAL No.139 OF 2020 IN CMA NIL/2020 IN CMA No.933-K OF 2019 IN CONST. P. No.9 of 2010

[Samira Mahmadi Vs. The Registrar Supreme Court of Pakistan
(for correction of order dated 13.8.2020)]

AND

CMA No.202-K OF 2020 IN CONST. P. No.9 of 2010

(Application for intervener filed on behalf of AVA Ardeshir Cowasjee (regarding allotment of Plot No.9B, GK 1, 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 (regarding allotment of plot No.J.M.1/79, Jamshed Quarters, M.A. Jinnah Road, Karachi)]

AND

CMA No.522-K of 2020 IN CONST. P. No.9 of 2010

[Waleed Ahmed & others Vs. Federation of Pakistan and others (Plot No.SNPA-21D & SNPA-23, both are public amenities and meant for "Park" and the same are used for marriage/commercial activities)]

AND

CRL. M.A. NO.32-K OF 2018 IN CRL. ORG. P. NO.7-K OF 2017

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

AND

CRL. M.A. 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. M.A. 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 Bhattai Colony "Amenity Plot")]

AND

ATTESTED

Senior Counsel
Supreme Court of Pakistan
12/10/20

111

CMA No.627-K OF 2020 IN CONST. P. No.9 of 2010

[Muhammad Imtiaz Vs. Province of Sindh through Chief Secretary & others (regarding illegal encroachment over drainage river of Haji Limo Village at Gulshan-e-Iqbal)]

AND

CMA No.671-K OF 2020 IN CONST. P. No.9 of 2010

[Muhammad Ayoub Gabol 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.672-K OF 2020 IN CONST. P. No.9 of 2010

[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.680-K OF 2020 IN CMA NO.101-K OF 2019 IN CONST. P. No.9 of 2010

[Syeda Maria Raza Vs. Government of Sindh & others (regarding illegal encroachment over drainage river to Haji Limo Village at Gulshan-e-Iqbal)]

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

CMA No.941-K of 2020

[Niamatullah Khan Advocate Vs. Federation of Pakistan & others (Regarding encroachment in Jacobabad at various governmental lands (i.e. amenities parks, etc) by influential persons)]

AND

C.M. Appeal No.16 of 2021 in Const.P. No.9 of 2010

[Haji Abdul Razziq Khan (Regarding Encroachment over Amenity Plot at PECHS) Vs. Federation of Pakistan, etc]

ATTESTED

Seal
Sup

AND

CRL. M.A. 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 # 318, sector 6-B, Mehran Town Korangi Industrial Area Karachi)]

AND

CRL. M.A. 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. M.A. 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 Plot 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 # R-07 Longlife Banglows Block 17, Gulistan-e-Johar)]

AND

CMA No.162-K OF 2020 IN CONST. P. No.9 of 2010

[Application for intervener filed on behalf of Ms. Muneera Khatoun (against illegal encroachment over plot bearing No.46-F and 46-G situated at Bihar Colony, Shah Abdul Latif Bhattai 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 Plot No.B-100 & B-113 Block 10 Gulistan-e-Johar, Karachi)]

ATTESTED

Senior Associate
Supreme Court of Pakistan
Karachi

AND

CMA No.762-K OF 2020 IN CONST. P. No.9 of 2010

[Syed Khurram Iqbal Vs. Federation of Pakistan, etc. (matter pertains to encroached land situated in Aligarh Muslim University Old Boys Cooperative Housing Society Ltd. Gulzar-e-Hijri Scheme No.33)]

AND

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 2010

[Muhammad Jibran Nasir and others Vs. Mr. Habib ur Rehman Ghiani and others (matter pertains to resettlement and rehabilitation plan for the affectees who have been dispossessed or dislocated due to the anti-encroachment drive)]

AND

CMA No.809-K OF 2020 IN CMA No.460-K OF 2019 IN CONST. P. No.9 of 2010

[Yousaf Masih Vs. Federation of Pakistan and others (regarding grievances of people of Salman Brohi Goth as they apprehend to be dispossessed/vacated from the land in question)]

AND

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 SBCA and highlighted the illegal construction and encroachment in certain arrears 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 and 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, Senior Member, Board of Revenue, Govt. of Sindh and others]

AND

ATTESTED

Senior
Supr
Karachi

12

CMA No.300-K OF 2020 IN CONST. P. No.9 of 2010

[Niamatullah Khan Advocate Vs. Federation of Pakistan (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 and 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 Federation : Mr. Khalid Javed Khan,
Attorney General for Pakistan
Mr. Kashif Sarwar Paracha,
Addl. AGP
Khilji Bilal, Assistant AGP
Zulfiqar Gul Memon, Assistant Chief,
Ministry of Planning Development &
Special Initiatives, Islamabad
- For Govt. of Sindh : Mr. Salman Talib ud Din,
Advocate General, Sindh
Syed Mumtaz Ali Shah,
Chief Secretary Sindh
Mr. Naveed Ahmed Sheikh,
Commissioner Karachi
Dr. Saeed Ahmed Qureshi,
Focal Person of Chief Secretary
Alam Din Bullo,
Sr. Member, BOR
Aamir Khurshheed, Special Secretary,
Home Department, Sindh
Zafar Mehmood, Assistant DAJAG
H.R. Pakistan Rangers (Sindh)
Mr. Shariq Ahmed, Secretary
Transport, Sindh
- In Attendance : Mr. Munir A. Malik, Sr.ASC
Mian Raza Rabbani, Sr.ASC
Mr. Badar Alam, Sr.ASC
Syed Ashiq Raza, ASC
Mr. Yawar Farooqi, ASC
Mr. Obaid ur Rehman, ASC
Mr. Muhammad Haseeb Jamali, ASC
Ms. Abida Parveen Channar, AOR
Mr. K.A. Wahab, AOR
Mr. Umar Lakhani, ASC
Syed Mehmood Akhtar Naqvi, in
person.

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Seal of
Syed Niamatullah Khan
Advocate
Federation of Pakistan
Karachi.

- For the Applicant (s)
(in CMA No.425-K/21, CRP
No.20-K/20, CMA No.437-K/21
and CMA No.74-K/20 (SHCBA) : Mr. Salahuddin Ahmed, ASC
- For the Applicant (s)
(in CMA No.948-K/20 in CRP
No.Nil/21) : Mr. Mazhar Ali B. Chohan, AOR
- For the Petitioner (s)
(in CRP No.19-K/20) : Nemo.
- For the Applicant (s)
(in CMA No.424-K/21) : Mr. Kamal Azfar, Sr.ASC
- For the Applicant (s)
(in CMA No.714-K/20) : Khawaja Shams ul Islam, ASC
- For the Applicant (s)
(in CMA No.849-K/20) : Mr. Anwar Mansoor Khan, Sr.ASC
- For Applicant (s)
(in CMA No.680-K/20) : In person.
- For Applicant (s)
(in CMA No.941-K/20) : In person.
- For F.W.O. : Brig. Waqar A. Abbasi,
Commander 494, Group FWO
Abdul Basit Khan Tanoli,
Legal Advisor
- For Pakistan Railways : Mr. Habib ur Rehman,
Secretary Railways
M. Hanif Gul, D.S. Railways
Amir Muhammad Daud Pota,
D.G., KCR
Hafeczullah, DG, Land,
Pak Railway Lahore
Khurram Shahzad,
Deputy Director Legal, Lahore
Rao Moiuddin, ADLA, Karachi
- SBCA : Dr. Raana Khan, AOR
Syed Jameel Ahmed, ASC
Shamsuddin Soomro, D.G.
- SIDCL : Khadim Hussain Mirani, Company
Secretary/Chief Finance Officer (CFO)
Green-line
Brig. Sohail Abrar Ahmad, G.M.
(Operation) Green-line
- KWSB : Assad Ullah Khan, M.D.
- NDMA : M. Idrees Mahsud, Member,
Islamabad
Nasrullah Barohi, A.D.

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Supervisor
Pakistan
Railways

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Pakistan Post	:	Shaukat Ali, Assistant Postmaster General Ateeq ur Rehman, Assistant Director
KDA	:	Nasir Abbas Soomro, D.G.
ETP	:	Muhammad Abdullah Awais, Deputy Administrator
KMC	:	Laeq Ahmed, Administrator Afzal Zaidi, Municipal Commissioner Asad Ali Khan, Additional Commissioner, Karachi Division
NAB	:	Syed Amjad Ali Shah, DPG
CAA	:	Nadir Shafi Dar, Deputy D.G.
CBE	:	Ambar Ali Bhai, Shehri
Cantonments	:	Adil Rafi Siddiqui, Director, Military Land & Cantonment, Karachi M. Saleem Hassan Watto, CEO, Clifton Cantonment M.Farooque, Military Estate Officer, Karachi Omer Masoom Wazir, CEO, Korangi Cantonment M.Umer Riaz, Advisor/ASC on behalf of Cantonment Board, Karachi Region Rana Khawar Iftikhar, CEO, Faisal Haider Ali Sial, CEO, Malir Qazi Rizwan Ahmed, CEO, Karachi, Cantonment Umar Mehboob, CEO

Date of Hearing : 08.04.2021

ORDER

GULZAR AHMED, CJ.-

**CRP No.19-K OF 2020 IN CMA No.145-K OF 2020 AND
CRP No.20-K/2020 IN CMA No.147-K/2020 IN CONST.P. No.9/2010**
(Against the order dated 10.08.2020, passed by this Court, in CMAs 145-K and 147-K of 2020)

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Senior Counsel Associate
Supreme Court of Pakistan
Karachi.

(HILL PARK)

We have heard the learned counsel for the review petitioner. No ground for review is made out. Both the review petitions are, therefore, dismissed.

4/4

CMA NO.425-K OF 2021

(For impleadment as a party)

Learned counsel for the applicants requests for withdrawal of the C.M.A. No.425-K of 2021 with permission to file fresh one, if any, new cause of action arises to the applicants. Dismissed as such.

(ROYAL PARK)

The Commissioner Karachi has filed Report No.14-K of 2021 in which he has informed that whole of the building of the Royal Park project has been demolished and only basements are left to be demolished. He states that there are two basements and it will take about one month's time for demolishing the same and also removing of *Malba* from the site.

(CREEK SIDE SHOPPING CENTRE)

As regard the Creek Side Shopping Centre, the Commissioner Karachi has filed the aforesaid Report, stating therein that he has implemented the Court's order dated 30.12.2020 and the Project has been attached and he has also taken the possession of the same.

C.M.A.No.149-K of 2020**(BAGH IBN-E-QASIM)**

The Commissioner has filed Report No.15-K of 2021, stating that structure on this Bagh has been demolished and its debris has also been removed and the plantation work has already started in this Bagh. We have shown him the pictures, which are attached with this report in which concrete pillars could be seen in the premises of Bagh Ibn-e-Qasim. The Commissioner states that these pillars have been removed and are no more in existence. He

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Senior Counsel
Supreme Court of Pakistan
Karachi.

MA

further states that these pictures are old and now the whole ground has been levelled and laying of grass and plantation in the park is in process.

Let a further report be filed by the Commissioner, showing latest status of the portion of Bagh Ibn-e-Qasim.

Criminal Original Petition No.4-K of 2020 AND C.M.A.No.318-K of 2020 in C.M.A.No.149-K of 2020

(Petition under Article 204 of the Constitution of the Islamic Republic of Pakistan, 1973)

None present. Dismissed for non-prosecution.

CMA No.948-K OF 2020 in Civil Review Petition No.Nil-K of 2021 in Const. P. No.9 of 2010

(Application under Order XXXIII Rule 6 of the Supreme Court Rules, 1980)

(YMCA GROUND)

Report No.12-K of 2021 has been filed by the Commissioner Karachi regarding YMCA Ground. It is mentioned in the report that all construction work in the YMCA Ground has been removed and commercial activities have ceased to take place on the YMCA Ground. It has been prepared as a sports ground, including Hockey Ground. It is stated by the Commissioner that the plantation work in the said ground is going on. The Commissioner shall submit further report regarding YMCA Ground.

The above civil miscellaneous application is altogether frivolous, the same is dismissed.

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Nasla Tower, Shahra-e-Faisal, Karachi.

Senior Judge
Supreme Court of Pakistan
Karachi.

A report dated 25.01.2021 of Mukhtiarkaar, Firozabad, Karachi East is attached in Report No.20-K of 2021 filed by the Commissioner, Karachi Division. In para 1 of the said report it is mentioned that office of Mukhtiarkaar, Firozabad, Karachi East

maintains a Property Register in respect of Plot No.193-A, Survey No.242 measuring 1121 square yards in Sindhi Muslim Cooperative Housing Society ("**SMCHS**"). The first thing to be noted is that whether there is any office of Mukhtiarkaar, Firozabad, Karachi East in the hierarchy of Board of Revenue, Sindh. If the office of Mukhtiarkaar, Firozabad, Karachi East does exist, under what law it operates and under what legal authority Register of properties belonging to SMCHS is maintained by it.

To our understanding, lands of the Societies (*including SMCHS*) created while Karachi was capital of the country were allotted by the Federal Government and apparently Sindh Land Revenue Act has no application to such Societies nor are there offices of Mukhtiarkaars in such Societies. Nasla Tower is shown to have been constructed on Plot No.193-A, Block-A of SMCHS. Incidentally, where the building (*Nasla Tower*) has been erected is a portion where Block-B of SMCHS exists. It is admitted in the documents that service roads have been encroached upon/illegally occupied for the construction of Nasla Tower.

The learned Advocate General, Sindh so also the Commissioner, Karachi Division and Director General, Sindh Building Control Authority request for time to give a report on the above questions and also assist the Court in examining the legality of this building (*Nasla Tower*). Let notice be also issued to the owner(s) of the building (*Nasla Tower*) for the next date of hearing.

Karachi Circular Railway (KCR).

The Commissioner, Karachi Division, present in Court, states that in the first place all points on KCR track has been got

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Karachi

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The learned Advocate General, Sindh so also the Commissioner, Karachi Division and Director General, Sindh Building Control Authority request for time to give a report on the above questions and also assist the Court in examining the legality of this building (*Nasla Tower*). Let notice be also issued to the owner(s) of the building (*Nasla Tower*) for the next date of hearing.

Karachi Circular Railway (KCR).

The Commissioner, Karachi Division, present in Court, states that in the first place all points on KCR track has been got

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Karachi

vacated from illegal occupants/encroachers and the same has been handed over to Pakistan Railways. Mr. Shariq Ahmed, Secretary, Transport & Mass Transit Department, Government of Sindh states that an amount of Rs.25 million has been paid to the Frontier Works Organization ("**FWO**") which, according to him, has prepared a prefeasibility as well as designs for construction of underpasses/overhead bridges on the KCR route. He further states that a meeting is scheduled to be held on 10th of this Month for finally giving go ahead signal for construction of the underpasses and overhead bridges on the KCR route and it is expected that on giving of note of approval in the aforesaid meeting of 10th April, 2021 the work of construction of underpasses and overhead bridges on KCR route will commence.

Brig. Waqar A. Abbasi, Commander 494 Engineer Group of FWO, present in Court, states that FWO will try its level best to complete the Project within the timeline given by this Court vide its order dated 29.12.2020. In any case, he states that the FWO will complete the Project and handover the same to Pakistan Railways within a maximum period of nine (09) months. Let a further report in this regard be filed by the Director General, FWO. Such report be made available to the Court before the next date of hearing.

At this stage, learned Advocate General, Sindh states that fencing on KCR track is being undertaken by the Sindh Government, work on it is in progress and the same will be completed by the time the remaining KCR route is made operational.

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Senior Counsel
Supreme Court of Pakistan
Karachi

CMA No.16-K/2021

(Report filed by Commissioner Karachi)

Report has been filed by the Commissioner Karachi by way of CMA No.16-K/2021 regarding encroachment at Haji Limo Goth, Gulshan-e-Iqbal, Karachi. The Commissioner Karachi states that *Nala* is 30 to 35 feet wide and most of the encroachments on *Nala* have been removed and further clearing of *Nala* is going on and all encroachments and illegal constructions on and around the *Nala* will be removed.

It is stated by Mrs. Syeda Maria Raza that occupants of the *Nala* have been paid compensation by the Government of Sindh for their removal from and around the *Nala* but still again they have occupied the land of *Nala* and around it have made constructions.

Be that as it may, the Commissioner Karachi shall ensure that illegal constructions on and around the *Nala* are removed and the effected people have been paid compensation and reallocated new place as the case may be.

CMA No.680-K/2020 in CMA No.101-K/2019

This application (CMA No. 680-K/2020) is allowed, subject to all just exceptions and the application (CMA No.101-K/2019) stands disposed of.

CMA No.424-K/2021

Notice to the Commissioner Karachi, Ambar Ali Bhai, Shehri, CBE so also to the Workers Cooperative Housing Society, Karachi as well as the Attorney General for Pakistan and the Advocate General, Sindh for a date during the next session.

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Karachi



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CMA No.437-K/2021 & CMA No.438-K/2021

Notice.

CMA No.714-K OF 2020

It is informed that some *Mazaar* has been constructed on Kidney Hill and around it Katchi Abadi is allowed to be constructed. The Commissioner Karachi is directed to remove such Katchi Abadi on the Kidney Hill and submit his report before the next date of hearing. No construction whatsoever is made on Kidney Hill and a report in this regard be submitted by the Commissioner Karachi before the next date of hearing.

CMA Nos.22-K & 23-K of 2021

The Commissioner Karachi states that 158 marriage halls, illegally constructed, have been removed/demolished and further operation for demolition of illegal marriage halls is continuing and a report in this respect will be submitted by him before the next date of hearing. The Commissioner Karachi shall ensure that all marriage halls built on amenity plots/open areas of the city and also on residential premises are removed, irrespective of any jurisdiction where they may be situated.

CMA No.849-K of 2020

Adjourned for tomorrow i.e. 09.04.2021.

CMA No.941-K of 2020

Notice to the Advocate General, Sindh for a date to be fixed during the next session.

CMA No.74-K OF 2020

So far as the question of expansion of the Sindh High Court at Karachi and making provision for parking of vehicles of

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lawyers is concerned, we are informed that two vacant plots exist on the right and left side of the Sindh High Court building at Karachi and Sindh Government proposes to build expansion blocks of Sindh Secretariat.

We may note that the present Sindh High Court building at Karachi has already become incapable of accommodating the strength of the sitting Judges and looking at future increase in the strength of the Judges of the Sindh High Court, there is no room for expansion within the building in Karachi, rather such expansion has to be made on the available land, which is situated on the right and left side of the building. Parking concerns of the lawyers and litigants can also be addressed.

We may note that access to justice is a Fundamental Right of the people of Pakistan and such a right also includes provision of Courts. Thus, for meeting this very Fundamental Right, the Sindh Government is bound under the Constitution to make provision for expansion of the Sindh High Court at Karachi and provide land to it for doing so. It is obvious that the Sindh High Court at Karachi cannot be shifted from where it is situated now and its adjacent lands, which are vacant, are the only option where new blocks of the Sindh High Court building at Karachi can be constructed and provision for parking of vehicles for lawyers and litigants can be made.

In these circumstances, there appears to be no option but to retain the two plots of land: one at the right and the other at the left side of the Sindh High Court building at Karachi for its

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Supervisor


future expansion and in this regard the Sindh Government shall fulfil the Constitutional mandate for this provision. The Sindh Government shall not create any third party interest or construct any sort of a building or structure on the said two pieces of land until the matter regarding expansion of the Sindh High Court building at Karachi as well as the parking space for the lawyers and litigants is resolved.

Adjourned to a date in the next session.



Sd/-Gulzar Ahmed, HCJ
Sd/-Ijaz ul Ahsan, J
Sd/-Mazhar Alam Khan Miankhel, J

CERTIFIED TO BE TRUE COPY


Clerk Court Associate
Supreme Court of Pakistan
Karachi.

Bench-1
Karachi
08.04.2021
'NOT APPROVED FOR REPORTING'
Rahmani/*


08/04/21