

Haider Sial, C.E.O. Malir  
Umair Mehboob, C.E.O. Manora

Date of Hearing : 26.11.2021

**ORDER**

GULZAR AHMED, C.J.-


C.M.A. No.774-K of 2021  
(Civil Aviation Authority)

Pursuant to order dated 24.11.2021, Mr. Shaid Ahmed Durrani, Additional Director General (South), F.I.A. has submitted his report stating therein that encroachment from Civil Aviation Authority's land on purported survey Nos.526, 527, 575 and 576 comprising 09 acres and 22 ghuntas have been cleared and its possession has been delivered to the Civil Aviation Authority. Counsel appearing for the Civil Aviation Authority also acknowledges that the land, as mentioned above, has been cleared and its possession given to the Civil Aviation Authority. The Civil Aviation Authority shall immediately take measures to protect its land and also ensure that no illegal occupation thereon is made. The application/report is disposed of in the above terms.

C.M.A. No.522-K of 2020  
(Amenity plot used for marriage halls)

2. There is plot of land bearing No. SNP A-21-B, blocks No.7 & 8, Karachi Cooperative Housing Societies Union Limited, main Tipu Sultan Road, off Shahra-e-Faisal, Karachi, measuring 11780 square yards and it is stated that the original Layout Plan of the Union shows this plot to be utilized for building of a school and a public park. Further another plot bearing No.SNP A-23 measuring 11660 square yards, Block Nos.7 & 8 Karachi Cooperative Housing Societies Union Limited is meant for a public park. It is alleged that land of plot bearing No.SNP A-23 has illegally been bifurcated into small plots and some of them have been allotted, on which lease is also claimed by one, Junaid Makda, who is present before the Court and such lease appears to have been made by

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Judicial Assistant  
Supreme Court of Pakistan  
Karachi



Ministry of Housing and Works, Government of Pakistan. The Secretary Ministry of Housing and Works is present before the Court and seriously disputes the claim made by Junaid Makda and states that no such lease has been made by the Ministry.

3. It seems that two plots were specifically meant for amenity purposes, i.e., for use of school and public park but incidentally, the office bearers of Karachi Cooperative Housing Societies Union Limited have not only mismanaged the amenity plots but have tried to create interests of individual persons through a fictitious Al-Riaz Cooperative Society. Apparently, in the master plan, a copy of which has been filed in C.M.A. No.773 of 2021, these two plots are shown to be as amenity plots. Plot No.SNP A-23 is specifically shown as public park, a part of which at one corner is meant for Jinnah School and at the other corner, there is a Modern Club. Plot No.SNP A-21-B is shown as open amenity plot. This very original Layout Plan appears to be tampered with by the Karachi Cooperative Housing Societies Union Limited and such tampering by the Union, is illegal, for that, a Layout Plan once prepared, in which amenities are provided, such amenities cannot be removed or altered/converted into private buildings or used for commercial purposes, in that, the members of the society have acquired vested rights in the amenities, which are provided in the society and those cannot be taken away or allotted by the Union for any purposes other than those shown in the original master plan.)

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4. It seems that plot No.SNP A-23 has been wrongly dealt with by the Union and it has tried to create interests of some individuals on it and one of such persons is Junaid Makda, who is present before the Court. In our view, the matter requires further clarification as Secretary, Ministry of Housing and Works states that he will place on record complete pictures of these plots before the Court as per its own record



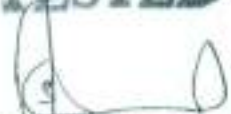
and also takes stand that Ministry of Housing and Works has no power/authority to change the original land use in the Layout Plan.

5. We are also of the firm view that land meant for amenities and for parks and play grounds cannot be legally and justifiably allotted to private persons for their exploitation as a commercial venture or for residential purposes. Let a comprehensive report in this respect be filed by the Ministry of Housing and Works.


6. Junaid Makda also states that he will file documents before the Court. He may do so. Counsel for the Karachi Cooperative Societies Union Limited makes a statement before the Court that both these plots are for amenity or for playground and public park and no activity whatsoever other than those which are mentioned above shall be allowed on these plots and all purported allotments/leases of the land in the said two plots ought to be cancelled, and if any portion of these two plots is in occupation of any private person, the same be retrieved and the private persons be removed from the said land. Secretary, Ministry of Housing and Works is allowed one month's time to file his report. Junaid Makda is also allowed similar time to file documents he would like to file.

7. A copy of the original Master Plan of K.D.A. has been placed on record which is legible and shows the status of these two plots that of amenity, i.e., school, modern club and public park. Such plan is taken on the record. Office is directed to allot a separate CMA number to this plan.

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8. It is complained that the land of these two plots is being used for holding of marriage functions and also as parking space. It is ordered that no marriage function shall be allowed on any part of the said two plots nor any part of the said plots be used as parking space. The Union shall ensure compliance of the court order and in case any deviation is made, the President of the Union, who is present before the



Court, shall be personally responsible against whom the Court shall take action. He may take the assistance of law enforcement agencies which shall be provided, if so requested.

Adjourned to a date after one month.

CMA No.826-K/2020

9. With regard to two plots, it is stated that plot bearing No.SNP A-70, measuring 3931 square yards, is meant for family park. Raja Qasit Nawaz Khan, ASC contends that this very part of land has been bifurcated into three plots and only small portion of the plot has been left for a family park. The remaining two plots have been allotted and on one of the said plots, bearing No.SNP A-70-B-1, a huge building has been constructed by the name of Al-Bari Towers.

10. Mr. Rasheed A. Rizvi, Sr. ASC has appeared on behalf of the builder of Al-Bari Towers and requests for time to file concise statement. Let such be done within a period of one month. If any of the parties wishes to file any document with regard to the same plot, the same be done within the above mentioned period.


11. Needless to observe that none of the parties shall create any third party interest in any portion of the land or the building constructed thereon and if there is anything, the same shall be discontinued until the Court decides the matter.

12. Secretary, Ministry of Housing and Works has prepared his report and states that he is filing the same. He is directed to appear before the Court on the next date of hearing.

Adjourned to a date after one month.

NASLA TOWER

13. Commissioner, Karachi has submitted a report which shows that demolition work of Nasla Tower has commenced. He has attached some photographs with his report showing some walls from ground floor

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to some upper floors have been removed but apparently, demolition process from upper floor has not been started. He states that services of qualified engineers have been taken by him, who are constantly present at the building site to ensure safe demolition of the building. He also states that about 200 persons have been engaged by him.

14. In order to expedite the demolition process, let Commissioner, Karachi engage some 400 persons. He shall ensure that demolition process is completed within a period of one week and shall file further report before the Court. The report so filed by the Commissioner, Karachi shall be placed before the members of the Bench for consideration in chambers.

**Tejori Heights**

15. Mian Raza Rabbani, learned counsel for Tejori Heights has appeared before the Court. He has made statement that all construction of the building has been demolished by the builder himself and debris of the building is lying at the site, which the builder will clear and for which he requests for 20 days' time.

16. Such time is allowed. Commissioner, Karachi shall ensure that the structure of the Tejori Heights/building is removed as per court order and the debris is also cleared by the builder from the site.

17. Learned counsel further states that basement area shall be filled up by the builder and the foundation of the building shall be completely removed. The Commissioner, Karachi shall ensure that such is done and file his report in this regard. We direct that possession of the land at Tejori Heights still remain with the Commissioner, Karachi.

**Secretary, Ministry of Defence**

18. Pursuant to order dated 24.11.2021, the Secretary, Ministry of Defence, has put in appearance before the Court and has made a statement that all cantonment lands are strategic lands and are meant

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for defence purposes. The Secretary, Ministry of Defence, is directed to appear before the Court at Islamabad, on Tuesday, i.e. 30.11.2021 at 1:00 p.m. when he will give statement, in writing, about the cantonment lands, more particularly of restoring all cantonment lands for strategic and defence purposes.

C.M.A. Nos.13-K & 14-K of 2021

19. Notice to the K.M.C. and P.E.C.H.S. so also to the Advocate General Sindh for a date in the next session.

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



Bench-I  
Karachi

26.11.2021

'APPROVED FOR REPORTING'

(Ghulam Raza)\*

CERTIFIED TO BE TRUE COPY

Judicial Assistant  
Supreme Court of Pakistan  
Karachi

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