

IN THE HIGH COURT OF SINDH KARACHI

Before:

Justice Muhammad Saleem Jessar

Justice Nisar Ahmed Bhanbhro

CP No.D - 2230 of 2012

(Muhammad Ajmal Khan V/S Karachi Municipal Corporation and others)

Petitioners through` : Mr. Adil Channa, Advocate.

Respondent KDA through : Mr. Khursheed Javed, Advocate.

Respondent Master Plan

Department : Ms. Humaira Jatoi, Advocate.

Respondent No.3 through : Mr. Ghulam Akbar Lashari, Advocate.

Respondent No.5 through : M/s. Hakim Ali Shaikh Additional
Advocate General and Sagheer Ahmed
Abbasi Assistant Advocate General.

Respondent No.6 through : Mr. Muhammad Siddiqu Darya,
Advocate along with Muhammad Inder
Waryal, Member Managing Committee.

Respondent Nos. 7 to 11

through : Mr. Haider Waheed, Advocate.

Date of hearing : 01.04.2026

Date of order : 01.04.2026

ORDER

NISAR AHMED BHANBHRO, J: Through this petition, the petitioners have claimed the following reliefs:

- (i) Declare that the Subject Land measuring 5.46 acres of Land adjacent to the south/south-east side of the KDA Officers Cooperative Housing Society, Karachi is part of the KDA Pipe Factory and could not have been lawfully allotted to the Respondent No.6;
- ii) Declare that the purported allotment and handover of possession to the Respondent No.6 vide so-called resolution dated 02.10.1990 passed by the governing body of the KDA and the CDGK's so-called possession letter and possession order dated 31.05.2008 and 05.06.2008 respectively was entirely unlawful, malafide and void ab initio;
- (iii) Declare that the Respondent No. 1's grant of approval to the layout plan in respect of the Subject Land vide letter dated 25.06.2008 was malafide and unlawful and that the Respondent No. 1's letter dated 28.10.2009 was also malafide and unlawful;
- (iiia) Declare that all the allotments made by the Respondents No 6 out of the Subject Land to any person including the Respondents No 7 to 11 are non-est, void ab initio, unlawful, illegal and liable to be set aside;
- (iiib) Declare that all the documents executed by the Respondent No.6 transferring the Subject Land and/ or any part thereof in favour of any person including the Respondents No. 7 to 11 are void ab initio, non-est, unlawful, illegal and are liable to be set aside;
- (iv) Restrain the Respondents No.6 to 11 from exercising any right over or dealing with the Subject Land in any manner including but not limited to creation of third party interests and from carrying out any further demolition/construction/development over the Subject Land and direct the Respondent No. 1 to resume possession of the Subject Land and restore it to its original position;
- (v) Restrain the Respondent No. 1 from disposing off the Subject Land and from changing its usage and classification except in accordance with law;
- (vi) Direct the Respondent No 4 to ensure that no construction, development or change of usage of the Subject Land is undertaken by the Respondent No.6 or by any other person

without proper assessment of the ensuing environmental impact and without lawful approval from the Respondent No.4;

- (vii) To cancel all the documents executed in favour of the Respondents No. 7 to 11 as the same have been issued by the Respondent No 6 without having any lawful authority.

2. It is contended by learned counsel for the petitioners that Karachi Development Authority (KDA) has handed over a valuable state land to the KDA Officers Housing Society through letters dated 31.05.2008 and 05.06.2008 *mala fidely* in complete violation of KDA laws and rules. He further contended that the land was reserved for KDA Pipe Factory and was a state land, therefore, it cannot be allotted to the respondents except by way of public auction. He contended that during the pendency of this petition, the Court has passed restraining orders regarding creation of third party interest and the said orders were defied by the respondent Society. He contended that the petitioners were the residents of the KDA Officers Housing Society and had brought this petition as *pro bono publico*. Per learned counsel, the allotment of land was illegal, therefore by way of indulgence the same may be set aside and this Petition may be allowed.

3. Learned counsel for respondent Nos. 7 to 11 contended that the land was allotted to the Society pursuant to its approval by the Board of Governors of KDA strictly in accordance with law and applicable rules. He further contended that the petitioners had no locus standi to file this petition and prayed for its dismissal.

4. Per learned counsel appearing for KDA, the land was allotted to the Society by following the KDA (Disposal of Land) Rules, 1971 and the allotted land did not form part of Pipe Factory but the same was situated adjacent to the KDA Officers Society and Pipe Factory. He referred the site map to demonstrate that the land was lying outside the area of Pipe Factory. He prayed for dismissal of the petition.

5. Learned Addl. A.G. Sindh contended that the petitioners had brought this petition with mala fide intention to pressurize the KDA and society. The Petitioners have failed to demonstrate their bona fide for bringing this petition before this Court. He further contended that the land

was allotted by the KDA to Society in accordance with rules. He contended that the disputed questions of fact are involved in the petition, which cannot be resolved by this Court under its writ jurisdiction. He, therefore, prayed for dismissal of the petition.

6. Heard arguments. Perused the material made available before us available on record.

7. The Karachi DA is a body created through the KDA Order 1957 (President's Order No.5 of 1957). KDA has made rules for the disposal of land for development, i.e., the KDA (Disposal of Land) Rules, 1971. Under such rules, the KDA is empowered to allot plots for residential purposes. Under the Rules allotment of the plots has been categorized in the manner that 70% of the plots shall be allotted through public auction. The KDA has allotted the subject plots to a Society pursuant to the approval by the Board of Governors of KDA in year 1990.

8. The contention of learned counsel for the petitioners that subject plot was a state land and was allotted to the Society with mala fide intention and the plots were reserved for the Pipe Factory is not substantiated from the record, as no document evidencing the status of plot reserved for Pipe Factory has been placed. Moreover, KDA has categorically stated that the subject plot was not the part of Pipe Factory but lying adjacent to it.

9. The petitioners have even failed to demonstrate how their fundamental rights were put in stake due to the allotment of the plots to KDA Officers Housing Society. Though the petitioners claim to be the members of the same Society, but such membership will not bring them within the definition of aggrieved persons. To bring a cause under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973, the petitioners are required to demonstrate that they were aggrieved of the action on the part of the statutory body, which the petitioners have failed.

10. Moreover, the land was allotted to the Society in the year 1990 and its possession was handed over to the Society through impugned letters in the year 2008, the petitioners challenged the Notifications in the year 2012. The petition also suffers from laches. The petitioners' pro bono publico status too is shrouded in mystery, rather this petition appears to be a

“Personal Inquisition Litigation” filed to circumvent the due process of law to happen and disrupt the smooth functioning of Respondent Departments.

11. Adverting to the issue of interim order passed by this Court regarding non-creation of the third party interest, which per learned counsel for the petitioners have been flouted and a third party interest has been created. If the Society has allotted plots to its members, it will not amount to creation of a third party interest, because the scheme was devised to allot plots to members of the Society. If the plots are misused in any manner through allotment to the non-members then it will be deemed to be the violation of the Court’s orders. The KDA shall ensure that no plot is allotted to a non-member and the Society was discharging its functions strictly in accordance with Society rules and the KDA policy.

12. For the foregoing reasons, this petition fails and accordingly dismissed.

JUDGE

JUDGE

HEAD OF CONST. BENCHES

Azeem

Approved for reporting