

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C. P. No. 4312 of 2025

Date

Order with signature of Judge

- 1) For orders on office objections.
- 2) For orders on Misc No.17767/2025.
- 3) For hearing of Main Case.

02.09.2025.

Mr. Mohammad Ali Lakhani, Advocate for the Petitioner.
Dr. Chaudhry Wasim Iqbal, Official Assignee of Karachi.

MOHAMMAD ABDUR RAHMAN, J.- This Petition, maintained under Article 199 of the Islamic Republic of Pakistan, 1973, seeks implementation of an order dated 16 June 2021 passed by the Supreme Court of Pakistan in C.P. No. 09 of 2010.

A building known as “Nasla Tower” was constructed on a plot located in the Sindh Muslim Cooperative Housing Society Limited and which the Supreme Court of Pakistan had held had been illegally constructed and which was thereafter demolished on orders passed by the Supreme Court of Pakistan. The main ground that was taken by the Supreme Court of Pakistan for ordering the demolition of that construction was that the area that had been leased to the owner of the property comprised only 780 square yards and that they had encroached on land over above that area and had obtained illegal approvals for construction. The Supreme Court of Pakistan had also directed that after the construction was demolished, that the plot admeasuring 780 square yards should be auctioned and the proceeds distributed as amongst the allottees of the units that were constructed in “Nasla Tower” so as to compensate them for the fraud that had been perpetuated on them by the owner.

Mr. Muhammad Ali Lakhani has appeared before this Court and contended that while the lease for the plot on which “Nasla Tower” was constructed was for an area of 780 square yards, an additional area is available for allotment, which the Sindh Muslim Cooperative Housing Society Limited is prepared to lease in favour of the owners/allottee and which area if amalgamated with the existing plot will increase the value of

the property and which when put to auction should be sufficient to satisfy the claims of the allottees of units in “Nalsa Tower.”

We had issued notice to the Official Assignee of this Court and who has provided us a report, which we had taken on record, and which confirms that only 780 square yards of land has been leased by the Sindh Muslim Cooperative Housing Society Limited to the owner and hence he is unable to auction any further land at this stage. He further submitted that the auction is fixed on 4 September 2025 and at this belated stage to raise this objection is nothing but an attempt to delay the auction process.

We have heard Mr. Mohammad Ali Lakhani, counsel for the Petitioner and Dr. Chaudhry Wasim Iqbal, Official Assignee and are clear that the auction that has been conducted by the Official Assignee is in conformity with the order of the Supreme Court of Pakistan and as such the orders of the Supreme Court of Pakistan are being implemented both in letter and in spirit. To ask for land that has not been ordered to being auctioned by the Supreme Court of Pakistan to be included within the auction notice would to our mind amount to seeking a modification of the order of the Supreme Court of Pakistan and which is clearly not within the jurisdiction of this Court. This Petition, therefore, is not seeking implementation but rather seeking a modification of the order of Supreme Court of Pakistan and hence is not maintainable and is dismissed along with listed applications with costs of Rs. 20,000 to be paid to the Library of this Court.

J U D G E

Nasir:

J U D G E