

THE HIGH COURT OF SINDH, KARACHI

**Suit No. 2319 of 2016**

[Zamir Ahmed Khan versus Muhammad Hassan Chaniyoon & others]

Plaintiff : Zamir Ahmed Khan in person.  
Defendant 1 : Muhammad Hassan Chaniyoon through Mr. Muhammad Ahmed Pirzada, Advocate.  
Defendants 2&8 : Nemo.  
Defendants 3-7 : Province of Sindh, through Secretary Land Utilization Department, B.O.R and 04 others through M/s. Ghulam Shabbir Shaikh, Advocate and Mr. Pervez Ahmed Mastoi, Assistant Advocate General Sindh.

**Suit No. 2541 of 2016**

[Muhammad Hassan versus Province of Sindh & others]

Plaintiff : Muhammad Hassan through Mr. Muhammad Ahmed Pirzada Advocate.  
Defendants 1-7 : Province of Sindh, through Secretary Land Utilization Department, B.O.R and 06 others through M/s. Ghulam Shabbir Shaikh, Advocate and Mr. Pervez Ahmed Mastoi, Assistant Advocate General Sindh.  
Defendant No.8 : Zamir Ahmed Khan in person.  
Date of hearing : 17-04-2019.  
Date of decision : 16-09-2019.

**ORDER**

**Adnan Iqbal Chaudhry J.** - The property subject matter of both suits is land measuring 02 acres in Na-Class No.91, Tapo Gabo Pat, RCB Highway, Deh Mochkho, District West, Karachi, said to have been originally granted to Muhammad Hassan by the Board of Revenue, Sindh vide grant dated 27-04-1993 under section 10(1) of the Colonization of Government Lands (Sindh) Act, 1912, followed by a lease deed dated 19-07-1993 for a period of 99 years for commercial/industrial purposes. In Suit No.2319/2016, Zamir

Ahmed Khan (hereinafter 'Zamir') claims that the said land had been sold to him by Muhammad Hassan, whereas Suit No.2541/2016 is a counter-suit by Muhammad Hassan (hereinafter 'Hassan') claiming that the said land continues to vest in him.

2. It is Zamir's case that he had purchased the suit land from Hassan vide a sale agreement dated 14-01-1996 coupled with a registered Power of Attorney dated 16-01-1996 executed by Hassan in his (Zamir's) favor; that the said Power of Attorney dated 16-01-1996 was executed by Hassan against consideration received and hence it was irrevocable - in other words, the agency could not be terminated by virtue of section 202 of the Contract Act, 1872; that Zamir had purchased the suit land for setting-up a petrol pump; that he had been delivered its possession; that on the promulgation of the Sindh Government Land (Cancellation of Allotments, Conversions and Exchanges) Ordinance, 2000 (Ordinance III of 2001), Zamir applied for regularization of the suit land; that Hassan created impediments in such regularization by contending that he continued to be owner of the suit land; that however, in its meeting on 13-11-2012, the Land Committee constituted under Ordinance III of 2001 decided to regularize the suit land in Zamir's favor on payment of the differential price, which was duly paid by him, and consequently the suit land was mutated to his name; that thereafter, Hassan employed the *qabza* mafia to dispossess Zamir from the suit land and in mid-2016, one Abdul Waheed (defendant No.8 in Suit No.2319/2016) encroached on a part of the suit land; that Zamir discovered that with the collusion of the Sub-Registrar, Hassan had created another Power of Attorney allegedly dated 12-12-1997 with regards to the suit land in favor of Nisar Ahmed (defendant No.2 in Suit No.2319/2016), and a Revocation Deed dated 22-06-2016 to revoke the irrevocable Power of Attorney dated 16-01-1996 that he had earlier executed in favor of Zamir; hence the prayer by Zamir in Suit No.2319/2019 for declaration of his title to the suit land, for the restoration of its possession, for cancellation of the Power of Attorney dated 22-12-1997 and the Revocation Deed dated 22-06-2016, for injunction and damages.

3. On the other hand, it is Hassan's case that the sale agreement dated 14-01-1996, the Power of Attorney dated 16-01-1996 and receipts of payment said to have been executed by him in favor of Zamir were forged and bogus documents; that he (Hassan) continued to be the owner of the suit land and has been in possession thereof throughout; that he had, vide a registered Power of Attorney dated 20-12-1997, appointed Nisar Ahmed as his Attorney for the suit land; that on the promulgation of Ordinance III of 2001, he had through his Attorney Nisar Ahmed, applied for regularization of the suit land in his name on 21-11-2001 and had opposed its regularization in Zamir's favor; that the regularization of the suit land in favour of Zamir was unlawful; hence Hassan's prayer in Suit No.2541/2016 for a declaration of his title to the suit land, for cancellation of the regularization of the suit land made in Zamir's favor, and for cancellation of the Power of Attorney dated 16-01-1996 standing in Zamir's name.

4. On the request of parties and learned counsel, all CMAs pending in both suits were taken up and heard together for disposal. For the sake of brevity, the arguments of the parties/counsel are not being reproduced separately, but are discussed in the course of this order.

CMA No.13352/2017 in Suit No.2541/2016:

5. By this application Zamir prays for rejection of the plaint of Suit No.2541/2016 under Order VII Rule 11 CPC on the ground that earlier Hassan had filed Suit No.742/2003 before the II-Senior Civil Judge, Karachi (West) to challenge the Power of Attorney dated 16-01-1996 standing in Zamir's favor; that the plaint of that previous suit was rejected under Order VII Rule 11 CPC vide order dated 21-08-2003; and thus Hassan's subsequent Suit No.2541/2016 was barred by *res judicata* under section 11 CPC.

It has been held by the Supreme Court in *Abdul Karim v. Florida Builders* (PLD 2012 SC 247) that 'rejection of plaint' and 'dismissal of suit' are distinct legal concepts. Rejection of plaint that is not dismissal of the suit is not *res judicata*. That much is also established

from Order VII Rule 13 CPC which does not preclude a fresh plaint on rejection of the previous plaint.

The order dated 21-08-2003 passed in the previous Suit No. 742/2003 shows that it was not dismissal of the suit but rejection of the plaint on the ground that Hassan had not made a specific prayer for cancellation of the impugned Power of Attorney. That much could have been remedied by a fresh plaint in terms of Order VII Rule 13 CPC. Therefore, the order dated 21-08-2003 passed in the previous Suit No.742/2003 does not constitute *res judicata*. In any case, in filing the subsequent Suit No.2541/2016, Hassan has pleaded in para 19 of the plaint that such suit is based on a separate and subsequent cause of action viz., the regularization of the suit land in Zamir's favor under Ordinance III of 2001 that took place in 2016. Therefore, the prayer for rejection of the plaint of Suit No.2541/2016 is misconceived and CMA No.13352/2017 is dismissed.

However, before parting with this part of the order, I note here that the fact that Hassan had filed a previous Suit No.742/2003 to challenge the Power of Attorney dated 16-01-1996, that does raise the question of limitation as to the relief for cancellation of the same Power of Attorney in the subsequent Suit No.2541/2016. But since that question was not raised at the hearing, I leave that to be dealt with on settlement of issues.

CMA No.13353/2017 in Suit No.2541/2016:

6. By this application Zamir prays that Suit No.2541/2016 be consolidated with Suit No.2319/2016. Such request will be considered at the stage of settlement of issues. With that observation, the application is disposed of.

CMA No.14719/2017 in Suit No.2541/2016:

7. This is an application by Zamir for placing Suit No.2541/2016 on fact track pursuant to the High Court's Circular dated 16-10-2012. Copy of his CNIC annexed to application shows that he is above 65 years of age and thus qualifies under the said Circular. Therefore this application is allowed. The office to place Suit No.2541/2016 on fast track with a red file cover.

CMA No.16878/2016 in Suit No.2541/2016:

8. By this application under Article 84 of the Qanun-e-Shahadat Order, 1984, Hassan prays for referring the Power of Attorney dated 16-01-1996 to a fingerprint expert to opine whether Hassan's signature/thumb impression thereon is genuine. This application is dismissed as premature with the observation that Hassan may move such application at the stage of evidence.

CMA No. 12863/2017 & CMA No.12864/2017 in Suit No.2319/2016:

9. By CMA No.12863/2017 Zamir prays for suspending the enquiry report dated 08-09-2017 submitted by the Additional Secretary, Board of Revenue Sindh, to the Member (Land Utilization), Board of Revenue Sindh, recommending that the regularization of the suit land made in Zamir's favor under Ordinance III of 2001 should be withdrawn; his entry in the record of rights should be reversed; and the suit land should be regularized in favor of Hassan on payment of the differential price. Such recommendation has been made on the ground that the Power of Attorney dated 16-01-1996 relied upon by Zamir had been revoked by Hassan and that the minutes of the meeting of the Land Committee dated 13-11-2012, whereby the suit land had been regularized in Zamir's favor, had not been signed by all members of the Committee. By CMA No.12864/2017 Zamir prays for initiating contempt proceedings against the enquiry officer and the Member (Land Utilization), Board of Revenue Sindh, for the reason that the enquiry was authorized and conducted despite a status quo order dated 10-11-2016 passed by this Court in Suit No.2319/2016. By an interim order dated 21-09-2017 passed in Suit No.2319/2016, this Court had restrained the Board of Revenue Sindh from taking action on the enquiry report dated 08-09-2012.

10. The so called enquiry report dated 08-09-2012 is *ex facie* controversial. The enquiry report is made by an officer who was not, at least at the time he submitted the report, the Additional Secretary Board of Revenue Sindh, inasmuch as the report starts off by stating that he had been posted-out and was then serving as Additional

Secretary Home Department. Admittedly, the enquiry was *ex-parte* against Zamir. The report states that a notice was sent to him but had returned un-served. The documents filed by the enquiry officer with his counter-affidavit to the contempt application show that the enquiry had been initiated not on the orders of the Board of Revenue Sindh, but on the orders of the Chief Secretary on a complaint made to him by Hassan, and only thereafter did the Board of Revenue Sindh notify an enquiry officer; further, at the time he was appointed enquiry officer, he was serving as Additional Secretary (Services-II) in the Service General, Administration & Coordination Department and not as a 'Revenue Officer' within the meaning of section 27 of the Sindh Land Revenue Act, 1967.

11. Be that as it may, firstly, the said enquiry and its report were made during the subsistence of a status quo order dated 10-11-2016 passed by this Court in Suit No.2319/2016 which order was/is binding on the Government of Sindh and the Board of Revenue Sindh who are parties to the said suit. Secondly, the recommendations made in the enquiry report are on issues that are *sub judice* before this Court in the listed suits which issues would require evidence for adjudication. In concluding that Hassan had revoked Zamir's Power of Attorney dated 16-01-1996, the enquiry officer did not appreciate that Zamir's case is that such Power of Attorney is irrevocable by virtue of section 202 of the Contract Act, 1872. The recommendations made in the enquiry report also do not discuss the evidence. Therefore, pending adjudication of these suits by this Court, no action shall be taken by the Board of Revenue Sindh or the Government of Sindh on the basis of said enquiry report dated 08-09-2012. However, they shall be free to produce in evidence any document relied upon by the enquiry officer which shall be subject to proof. Zamir's CMA No. 12863/2017 is allowed accordingly.

As regards the contempt application (CMA No.12864/2017), since the enquiry officer (alleged contemnor No.2) has in his counter-affidavit tendered an apology stating that he was unaware of the status quo order, and since the enquiry was not initiated on the order of the Member (Land Utilization), Board of Revenue (alleged

contemnor No.1), I am not inclined to initiate contempt proceedings against the said officers. Therefore, CMA No.12864/2017 is dismissed.

CMA No. 15335/2016, CMA No. 14718/2017 & CMA No. 17813/2017 in Suit No.2319/2016; CMA No.16877/2016 in Suit No.2541/2016:

12. By CMA No.15335/2016 Zamir prays for a temporary injunction to restrain the defendants of Suit No.2319/2016 from creating third party interest in the suit land and from making any changes to the record of the rights. CMA No. 14718/2017 is an application by Zamir under Order XL Rule 1 CPC for appointing a Receiver for the suit land, and by CMA No.17813/2017 he prays for contempt proceedings against Hassan and Abdul Waheed for violating the status quo order dated 10-11-2016. By CMA No.16877/2016 Hassan prays for restraining the defendants of Suit No.2541/2016 from interfering in his possession of the suit land. All these applications are based on the same set of facts and thus are decided together.

13. The Province of Sindh, a defendant in both suits, has affirmed vide its written statement that the suit land was originally granted and leased to Hassan by the Board of Revenue Sindh under the Colonization of Government Lands (Sindh) Act, 1912 and later it was regularized in Zamir's favor under Ordinance III of 2001 as the subsequent purchaser who had paid the differential price thereof.

14. In support of his case that he had purchased the suit land from Hassan, that he was put in possession thereof, and that the Power of Attorney dated 16-01-1996 was given to him by Hassan against consideration, Zamir has filed *inter alia* copies of the following documents:

- (i) Sale agreement dated 14-01-1996 said to have been executed by Hassan;
- (ii) Power of Attorney dated 16-01-1996 said to have been executed by Hassan in Zamir's favor, registered with the Sub-Registrar T-Div.V, Karachi. This Power of Attorney states that the Attorney is authorized to sell/transfer the suit land to any

person as he deems fit and that the Power of Attorney is irrevocable;

- (iii) Receipts of the sale consideration of the suit land said to have been issued by Hassan;
- (iv) Application made by Zamir to the Divisional Manager, Pakistan State Oil on 12-03-1996 proposing the establishment of a petrol pump at the suit land;
- (v) Letter dated 30-11-2001 issued by the National Highway Authority (NHA) to Zamir asking him to stop construction on the suit land without the prior NOC of the NHA;
- (vi) Complaints by Zamir to the Police dated 09-05-2016 and 14-10-2016 informing that the suit land had been encroached on 07-05-2016 and asking for assistance, both such letters bearing the receipt of the concerned Police Station.

15. To demonstrate that the suit land was regularized in his favor under Ordinance III of 2001, Zamir has filed copies of the following:

- (i) Minutes of the meeting dated 13-11-2012 of the Land Committee constituted under Ordinance III of 2001, to show that along with other like matters, the Land Committee had determined the price of the suit land and decided to regularize the same in Zamir's favor on the payment of the differential price;
- (ii) Letter dated 26-11-2012 issued by the Secretary, Government of Sindh, Land Utilization Department, calling upon Zamir to make payment of the differential price for regularization of the suit land;
- (iii) Challan of the differential price paid by Zamir on 15-04-2016;
- (iv) Deh Form-II issued on 26-07-2016 to show mutation of the suit land to the Zamir's name *albeit* as Hassan's Attorney.

16. Though Hassan has in his pleadings alleged that the sale agreement dated 14-01-1996, the Power of Attorney dated 16-01-1996 and the receipts of sale consideration said to have been executed by him in Zamir's favor are forged, the Power of Attorney dated 16-01-1996 appears to be duly registered. Such registration is affirmed



by a letter dated 07-10-2016 issued by the Sub-Registrar Central Record, Karachi, and the written statement of the Sub-Registrar Keamari Town, Karachi (defendant No.6 in Suit No.2541/2016), who succeeded the Sub-Registrar, T-Div.V, Karachi, where the Power of Attorney dated 16-01-1996 was registered. Interestingly, Hassan has also executed a Revocation Deed dated 22-06-2016 to revoke the said Power of Attorney dated 16-01-1996. Hassan has not denied such Revocation Deed. That Revocation Deed was registered by Hassan before the Sub-Registrar-II, Gadap Town, Karachi. But, as per the written statement of the Sub-Registrar-II, Gadap Town (defendant No.6 in Suit No.2319/2016), though the Revocation Deed was registered thereat by the previous holder of the office, the suit land does not fall within his territorial jurisdiction. The recitals of the said Revocation Deed are even more intriguing and read as under:

*"I, Muhammad Hassan Chaniyoon s/o Mitho Khan, Muslim, adult, resident of House No. L-58, Block 11, Gulshan-e-Iqbal, Karachi, permanent resident of Village Haji Baqo Chaniyoon, Taluka Khipro, District Sanghar, holding NIC No. 485-92-155424 and CNIC No. 44202-6639089-7 had appointed and constituted Zamir Ahmed Khan s/o Abdul Waheed Khan Muslim, adult, resident of R/o 364 Sector No.14 B, Bufferzone, North Karachi, holding NIC No. 502-41-190310 and CNIC No. \_\_\_\_\_ as my bogus/fake lawful Attorney(s) for me in my name and on my behalf to do execute all acts, deeds, matters and things therein (illegible) in respect of land measuring 2-00 acres out of NA Class No.92 situated at Deh Moachko District Karachi West.*

*The above land measuring 2-00 acres out of Na Class No.92 situated at Deh Moachko, District Karachi West vide Power of Attorney Registered, RD No.135, dated 16-01-1996 at page No. 154 to 157 before Sub Registrar T Div-V Karachi West dated 16-01-1996.*

*AND WHEREAS the said bogus attorney is not functioning properly and diligently and it has become necessary to revoke the powers which was I nor sign before any Sub Registrar. Now by this Deed I absolutely and completely revoke the said Power of Attorney and also all powers or authority thereby given to them either expressly or impliedly.*

*That the said power of attorney was not executed by the undersigned and signature of undersigned is bogus/fabricated and I informed my position to concerned authority through application dated 14-10-2009 and publication published in newspaper daily Jang Karachi dated 29-10-2009."*

17. Ignoring for the time being the contradictory recitals of the Revocation Deed dated 22-06-2016 and the question that arises over the jurisdiction of the Sub-Registrar-II, Gadap Town, to register the

same, the fact that Hassan had executed a Revocation Deed to revoke the Power of Attorney dated 16-01-1996, appears by itself to be an acknowledgment of the fact that he had executed the Power of Attorney dated 16-01-1996. When confronted with that aspect of the matter, and coupled with the aforesaid verification by the Sub-Registrar Central Record, and the Sub-Registrar Keamari Town, Mr. Ahmed Pirzada, learned counsel for Hassan, frankly conceded that on a *prima facie* view of the matter, the Power of Attorney dated 16-01-1996 in Zamir's favor does appear to have been executed by Hassan. However he submitted that the execution of the Power of Attorney dated 16-01-1996 by Hassan was no evidence of the fact that such Power of Attorney was executed for consideration so as to make it irrevocable, which fact has yet to be proved by Zamir in evidence. Therefore, while Mr. Pirzada conceded to the grant of CMA No. 15335/2016 to restrain the creation of third party interest in the suit land, he opposed any interference in the possession of the suit land, which according to him was with Hassan.

Mr. Ahmed Pirzada Advocate further submitted that in the absence of an adjudication by a Court of law that the Power of Attorney dated 16-01-1996 had been executed for consideration, the Land Committee constituted under Ordinance III of 2001 did not have the authority or the jurisdiction to regularize the suit land in Zamir's favor on the basis of such Power of Attorney. He submitted further that such regularization was also questionable for the reason that the minutes of meeting of the Land Committee dated 13-11-2012 was signed only by its Chairman and not the other member of the Committee. Mr. Ghulam Shabbir Shaikh, learned counsel for the Board of Revenue Sindh, submitted that the process of regularization does not appear to be free from controversy as the same was carried out during the operation of an order dated 28-11-2012 passed by the Honorable Supreme Court of Pakistan in *Suo Moto* Case No.16 of 2011 whereby the Government of Sindh and the Board of Revenue Sindh had been restrained *inter alia* from entering any transaction relating to State Land in the record of rights till the entire revenue record in Sindh is reconstructed. But neither of the learned counsel

disputed the fact that the differential price determined by the Land Committee for regularization of the suit land had in fact been paid by Zamir and thereafter the suit land had been mutated to his name. Be that as it may, the said challenge to the regularization is not a question that can be decided at this stage of the suits. In my humble view, till such time the said regularization holds the field, a presumption of correctness attaches to it, and thus the pendency of the challenge to the regularization cannot prejudice Zamir's case at this stage of the proceedings.

18. Since Mr. Ahmed Prizada had conceded to Zamir's application for restraining the creation of third party interest in the suit land, I move on to the application for appointing a Receiver over the suit land. The application has been moved with the aim of preserving the suit land on the ground that it has been encroached and is being constructed upon despite a status quo order passed by this Court.

The power of a civil court to appoint a Receiver under Order XL Rule 1 CPC is a discretion to be exercised "where it appears to the Court to be just and convenient". However where the appointment of a Receiver is sought to remove a person from possession or custody of the property, then under sub-rule (2) of Order XL Rule 1 CPC, the party seeking such relief has to demonstrate a right for causing such removal as against the person holding possession/custody. The object of appointing a Receiver is essentially to preserve the property pending judicial determination of the rights of the parties thereto, although such discretion is exercised in cases where it is apparent that the property in dispute is likely to dissipate, or where it is likely to become difficult to retrieve, or is in danger of being wasted. For the guiding principles for appointing a Receiver reliance can be placed on the cases of *Saeed-ur-Rehman v. Ehsanullah Khan Afridi* (PLD 2007 Karachi 527), *Asadullah Mirbahar v. Ayesha Muzahir* (PLD 2011 Karachi 151) and *Naseem-ul-Haq v. Raes Aftab Ali Lashari* (2015 YLR 550). The case of *Naseem-ul-Haq* also holds that where the grievance and apprehension can be remedied by an injunction then a Receivership order is uncalled for. In the case of *Asadullah Mirbahar* a Division Bench of this Court had upheld an order appointing a Receiver to

prevent further encroachment and construction on the land which was continuing despite restraining orders of the Court.

19. The facts leading to the application for appointing a Receiver are that by an interim order dated 10-11-2016 passed in Suit No. 2319/2016, the parties were directed to maintain status quo and that order continues to-date. By order dated 21-09-2017, the Nazir was appointed Commissioner to inspect the suit land. The Nazir's inspection report dated 22-09-2017 stated that the suit land was open to sky with a boundary walls on three sides and the front open; that though a person claiming to be Zamir's *chowkidar* was also there, but one Abdul Waheed was found running a *dhaba* (a makeshift restaurant) and a charged-parking for trucks thereat and he claimed to have purchased the suit land from Hassan. A second inspection was ordered on 26-10-2017 for the reason that Zamir contended that the first inspection did not clarify that he was also in possession of a part of the suit land. The second inspection report dated 02-11-2017 stated that it was Abdul Waheed who was for all practical purposes in possession of the suit land; that Abdul Waheed claimed to be the owner of the suit land; that he had recently constructed two concrete rooms and five wash-rooms thereat; that a number of trucks were parked on the suit land; that a weighing bridge and other structures were under construction at the time of inspection. The photographs annexed to such report showed substantial on-going construction at the suit land.

20. The inspection reports discussed above manifest that the status quo order dated 10-11-2016 has not deterred construction and the expansion of activity on the suit land and that unless such activity is checked, it is likely that the suit land will be encumbered and will become difficult to retrieve/restore. The only other aspect left to be considered for the purposes of appointing a Receiver is whether Zamir has demonstrated *prima facie* a sufficient right in the suit land so as to cause interference in its possession.

On 15-11-2017, Mr. Ahmed Prizada, learned counsel for Hassan, stated before the Court that Abdul Waheed was in

possession of the suit land as Hassan's representative. Though such a statement means that Hassan has exposed himself to contempt proceedings by permitting Abdul Waheed to construct on the suit land despite the status quo order, however, the inspection reports state that Abdul Waheed claims himself to be the owner of the suit land. Notice was issued to Abdul Waheed on the contempt application (CMA No. 17813/2017) for his personal attendance. Per the bailiff's report dated 09-11-2018 such notice was served on 06-11-2018. Though he was subsequently added as a defendant in Suit No.2319/2016, Abdul Waheed chose to remain away from these proceedings and there is nothing to show that his possession of the suit land is legal. Therefore, as against Abdul Waheed, Zamir has a clear case for interference. But even assuming that Abdul Waheed is in possession of the suit land on behalf of Hassan, in my view, Zamir has been able to demonstrate *prima facie* that the registered Power of Attorney dated 16-01-1996 in respect of the suit land was executed by Hassan against consideration received making such Power of Attorney irrevocable by virtue of section 202 of the Contract Act, 1872. That *prima facie* case emanates from the discussion in paras 13 to 16 above which I do not repeat here. Therefore, Zamir has made out a case for interference in the suit land also against Hassan.

21. For the foregoing reasons, CMA No. 15335/2016 and CMA No. 14718/2017 in Suit No. 2319/2016 and CMA No.16877/2016 in Suit No.2541/2016 are decided and disposed off as follows:

- (i) The Nazir of this Court and the Deputy Commissioner Karachi West are hereby appointed joint Receivers of land measuring 02 acres in Na-Class No.91, Tapo Gabo Pat, RCB Highway, Deh Mochkho, District Karachi (West) (the suit land), which shall remain in their custody and management until further orders;
- (ii) The Deputy Commissioner West shall cause the suit land to be vacated; he shall cause to be demolished and removed thereat all permanent/RCC structures that have been constructed without an approved building plan except its boundary wall;

and thereafter the Nazir of this Court shall post security guards thereat at the expense of Zamir Ahmed Khan;

- (iii) For the purposes of vacating the suit land and demolition thereat, the Director Anti-Encroachment Cell, the SSP Karachi West, and the DG Sindh Building Control Authority shall cooperate with the Deputy Commissioner Karachi West and the Nazir of this Court and provide them with complete assistance;
- (iv) Zamir Ahmed Khan shall deposit with the Nazir in advance a tentative sum of Rs.50,000 (Rupees Fifty Thousand only) towards the expense and remuneration of the Receivers;
- (v) Should the Receivers require further orders of the Court to complete the task, they may make a Reference to the Court through the Nazir;
- (vi) Till further orders, the Member (Land Utilization), Board of Revenue Sindh, shall cause this order to be noted in the record of rights of the suit land and shall not make any further entry therein.

As regards CMA No.17813/2017 for contempt proceedings against Hassan and Abdul Waheed, orders on that are deferred for the time being. In the event, Hassan or Abdul Waheed interfere in the performance of duties by the Receivers as aforesaid, appropriate orders will be passed on the contempt application as well.

The Nazir to communicate the Receivership order to the Deputy Commissioner Karachi West for immediate action. To come up in three weeks when the Nazir shall file a progress report.

**JUDGE**