

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH, KARACHI**

Suit No. 2316 of 2021

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Order with signature of Judge(s)

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1. For hearing of CMA No.17039/2021
2. For orders on CMA No.20825/2021
3. For orders on CMA No.20819/2021

**01.12.2021**

Khawaja Shamsul Islam, Advocate for the plaintiffs  
M/s. Abid S. Zuberi and Ayan Mustafa Memon, Advocate for  
defendant No.2/DHA  
Mr. Ahmed Ali Hussain, Advocate for defendant No.3/CBC  
Mr. Ali T. Ibrahim, Advocate for defendant No.7/PQA  
Ms. Rehmatunnisa, Advocate for defendant Nos.5 and 33  
Mr. Asad Ali Zaidi, Advocate for defendant No.12/CAA  
Mr. Ziauddin Ahmed Junejo, AAG  
Dr. Chaudhry Waseem Iqbal, Official Assignee  
Aga Zafar Ahmed, Advocate for defendant No.9/KPT  
Mr. Sarmad Ali, Advocate holds brief for Mr. Kashif Hanif,  
Advocate for defendant Nos.11, 13 and 20  
Ch. Muhammad Iqbal, Advocate  
Khawaja Aitzaz Ahsan, Advocate for Emar Karachi Limited  
Mr. Munir Ahmed, Legal Incharge, MEO Karachi  
Ms. Marvi Mazhar

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Interim report in compliance of this Court's order dated 22.10.2021 has been submitted by the leaned Official Assignee, which is taken on record subject to all just exceptions, copy supplied to the leading counsel. Since the report is a bulky document having large A1 sized maps attached therewith, counsel interested in obtaining copies thereof could obtain the same from the office of the learned Official Assignee after payment of requisite cost as set out by the office of the Official Assignee. The report speaks volumes about roles of various parties and ends with the following prayers: -

- “(i) That Defence Housing Authority may be directed to provide documents of land initially allotted in favour of DHA and the details of all other land subsequently came in their occupation by way of reclamation either carried out by themselves or by any other Federal or Provincial department. The DHA may further be directed to share the title deeds of reclaimed land in their occupation besides the land sold out to M/s. EMMAR Karachi and HRM Water Front Project.
- (ii) That Director General, Civil Aviation Authority may be directed to appoint focal person to coordinate with this office and file title documents, right of occupation and use of commercial properties in their use/possession, more specifically the defendants No.22 to 28.

- (iii) That Port Qasim Authority may be directed to provide documents of re-claimed land in total and as status of their possession of such land.
- (iv) That Survey of Pakistan may be appointed at the cost of plaintiff for demarcation of re-claimed land.
- (v) That Government of Sindh may be directed through Chief Secretary Sindh and Secretary Land Utilization to appoint their focal persons to share the ownership and possession of reclaimed land in their occupation and use.”

Learned Official Assignee (“OA”) is present in Court and presses the above prayers, which primarily pertain to various materials and plans withheld by the defendants, for which orders are already in the field, let the parties in debt of information, material, plans, maps etc., to handout the same to the OA with utmost dispatch. As the counsel from DHA, CAA and PQA are present here and taking a lead position in making arguments, they are directed to ensure OA’s demand for providing the requisite information, material, plans, maps etc are met forthwith.

It seems that Karachi Urban Lab has declined to be associated with the report prepared by the OA stating lack of resources, however, has hoped that this case would pave way forward achieving social justice in Karachi’s skewed land politics. It is hoped that KUL will reconsider its position and may like to join in at a later stage, as at hand is a matter of equitable land disposal and protection of environment and public safety. Emaar Pakistan (calling itself as Emaar Karachi Limited) has replied through its counsel that name of the entity is Emaar Karachi Limited rather than Emaar Pakistan. Office is directed to issue Notice to Emaar Karachi Limited, once the counsel for the plaintiff files corrected title in this regard. Notice also be issued to Survey of Pakistan, Karachi Camp Office, to provide requisite information to the learned Official Assignee. Let notice be issued to the learned Advocate General, Sindh with regards to prayer (v) as to the appointment of focal person from the Government of Sindh in this regard.

This Court presents its compliments to Ms. Marvi Mazhar for providing detailed geographical (satellite) map recording gradual reclamation of land through time (1984-2020) and its impact leading to costal erosion and temporal shoreline changes resulting in coastal floods, storm surges, sea-level rises, sand transportation towards neighboring areas, destroying natural habitat of sea life and coral reef, as well as, mangroves. Ms. Mazhar is appointed as Amicus Curie, which appointment did not find favour of the counsel for DHA, to whom an offer has been

made to bring any technical expert(s) on shoreline development and its impact on marine life and sediment transportation etc, who this court would be delighted to appoint as such too. Also let intimation be sent to Architect & Urban Planner Arif Hasan for his appointment as an Amicus Curie too. One of the most shocking revelation made by Ms. Mazhar was that highrise buildings constructed on the reclaimed lands are using shallow pile foundation rather than structures taking such foundations down to competent strata. Learned counsel for DHA was directed to bring forward Geotechnical and Structural Engineers to answer these concerns, as for sites near seashore using dredged material must have to be assessed for liquefaction and heterogeneity, too.

2. Issue notice to the alleged contemnors, who to be present in person or through a counsel on the next date of hearing. Learned counsel for Cantonments resisted plaintiffs request to call respective CEOs in person, which request is granted with directions to defendant Nos.3 (Clifton Cantonment Board), defendant No.4 (Karachi Cantonment Board), defendant No.5 (Cantonment Board Faisal) and defendant No.33 (Malir Cantonment) to provide documents specifying their boundaries and delimitations as prescribed under section 3 of the Cantonment Act, 1924 and all subsequent alterations made therein through the process prescribed under section 4 of the Supra Act.

3. Learned counsel for the plaintiffs waives notice and receives copy.

To come up on **15.12.2021** at **11:00 a.m.** Interim order passed earlier to continue till the next date of hearing.

JUDGE