	ORDER SHEET IN THE HIGH COURT OF SINDH, KARACHI C.P. No.D-5707 of 2021	
Date	Order with Signature(s) of Judge(s)	

For hearing of main case.

## <u>17.12.2021</u>

Mr. Mushtaq Ahmed Joyo, Advocate for Petitioners. Mr. S. Hassan M. Abidi, Advocate for respondent No.3 alongwith Deputy Director Land KMC.

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Through instant petition, the petitioners, inter alia, seek declaration that the land reserved for Cottage Industry Scheme, admeasuring about 176 acres, situated in Block No.21, Baldia Town, near RCD Highway, Karachi, could not be used other than the purpose for which it was reserved. The petitioners also seek directions to respondents No.1 to 5 to entertain their cases on priority basis as they are waiting for last 25 years after payment of challans and further directions to said respondents to allot the respective plots to them against the paid challans for that they are ready to pay all the dues of their plots in the said scheme.

It is alleged that in the year 1996 the than Prime Minister of Pakistan announced a scheme with the name of "Karachi Package" Cottage Industry Scheme, wherein the date of 18.04.1996 was fixed for submission of applications for allotment of plots and date of balloting was fixed as 12.05.1996. The petitioners paid the challans and thereafter, they time to time visited the offices of respondents No.2 to 5 but no response was given and till date neither any balloting has been held nor any other legal formalities has been completed. It is further alleged that petitioners moved various applications to the respondent and other highups including applications dated 14.01.2020 and 14.07.2021 and finding no response to said applications the petitioners served legal notice dated 02.09.2021 but as the grievance of the petitioners was not redressed, instant petition has been maintained.

After service of the notice, the respondent No.3 (Deputy Director Land, KMC) filed his parawise comments on 30.10.2021, stating therein that in the year 1996, KMC announced the scheme of Cottage Industrial Zone at Sector-21 Baldia Town Karachi on an area of 451 acre (note 176 acre) consisting 4000 plots of different sizes, applications were invited

from all over the country through several newspapers but only 940 applications were received. Ultimately, the then authorities cancel the said scheme because of the poor response from general public and the amount deposited by the applicants were returned to them. Whereas it is not in the knowledge of answering respondent that, either petitioners applied as candidate or not. It is further stating that KMC did not allot any plot under the scheme to any one.

Heard the learned counsel for the petitioners and KMC and perused the material available on record.

There is no denial to the fact that the subject scheme has been cancelled by the KMC for receiving poor response. Since the alleged scheme is no more in existence and as a matter of policy the alleged scheme has been cancelled no question of allotting of plots arises. It may be observed that the Courts do not interfere into the policy matters of the Government and authorities. Learned counsel for KMC has stated that they have already returned the amount to applicants who applied for the plots in the said scheme after cancelling the same. He; however, admit that no such record is available with the KMC but if the petitioners approach to respondent No.3 with documents, the amount if deposited by them shall be refunded. This petition is; therefore, dismissed.

JUDGE

JUDGE

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