

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C.P. No. D-5660 of 2019

Mann-O-Salva Pakistan Private Limited.

Versus

The Chief Secretary Sindh, & others

DATE ORDER WITH SIGNATURE(S) OF JUDGE(S)

*BEFORE: Justice Irfan Saadat Khan,
Justice Muhammad Faisal Kamal Alam, JJ*

1. For hearing of CMA No.1296/2021 (151)
2. For hearing of CMA No.10623/2021
3. For order as to maintainability of petition.

21.09.2021

Mr. Zubair Akhtar Usmani, petitioner present in person.
Mr. Miran Muhammad Shah, Addl. A. G. Sindh for
Respondent No.1, 2 & 5.
Mr. Khursheed Javed, Assistant Attorney General
Respondents No.3 & 4.
M. Hassan Bin Atiq, (UDC) of M.E.O.
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The instant petition has been filed on the ground that the petitioner, who is a Director in Mann-O-Salva Pakistan (Pvt.,) Limited desires to establish an industry for mashrooms farming. The petitioner then approached the land department and was originally allotted 16 acres of land in Deh Dozen Chota Malir Scheme No.33 Karachi for the said purposes. However a suit bearing No.414/1987 was filed by Pakistan Refinery Limited (PRL) claiming that the land allotted to the petitioner belongs to them. The said suit was then decided vide judgment & decree dated 12.12.1998 in favour of PRL and the petitioner was directed to vacate the suit land. Being aggrieved with the said decision a High Court Appeal bearing No.133/1998 was filed before this Court by the petitioner, which subsequently was withdrawn by the petitioner on the ground that he will approach the concerned Government officials for allotment of an alternate land.

Thereafter, the petitioner pointed out a particular piece of 16 acres land which may be allotted to him. However the said land was

found to be that of Pakistan Air Force, being used by them for strategic purposes, and could not be given or allotted to any private person.

When left with no option the petitioner then filed the instant petition praying therein that an alternate land may be given to him for the purposes mentioned above. It would not be out of place to mention that in the intervening period the petitioner also approached the Hon'ble Supreme Court of Pakistan, which vide order dated **07.09.2017** as per paragraph-8 observed as under:-

“Applicant’s claim for alternate land of 16 acres for industrial commercial purpose is shuttling between various departments since 1987. Government of Sindh’s claim for industrial friendly policy in the Province of Sindh is belied by such delaying tactics. Learned Advocate General Sindh states that he shall ensure that the land in industrial estate in the surroundings of Karachi shall be pointed out to the Court. Learned Advocate General is also directed to place on record the industrial zone available in/and around Karachi and the policy of the Sindh Government for allotment of such land to be made public. To come up on the next session.”

It is now the claim of the petitioner that when the area pointed by him turns out to be that of PAF, used for strategic purposes, some alternate area may be allotted to him, as per the directions of the Hon'ble Supreme Court of Pakistan.

Notices in the instant petition have been issued to the Respondents and in response comprehensive comments have been filed by the Respondents. From the perusal of the comments, it is evident that the claim of the petitioner with regard to allotment of 16 acres of land has not been disputed as such. However, the only thing which is coming in the way is the area which is to be pointed out for allotment purposes.

From the facts and circumstances of the matter, it is now imperative that the Government has to point out an area in an identical

zone helping the petitioner to set up his industry. The official respondents have endorsed that if a proper application is given or the petitioner approaches them, the matter would be considered and a fresh allotment in accordance with the relevant rules and regulations would be made. As per the report/comments of Respondent Mukhtairkar, a land can be allotted in an industrial area situated in Deh Dih. Since it is an admitted position that the petitioner requires the area for industrial purposes, for which previously a plot was allotted to him, hence, we with the consent of the parties present before us today dispose of this petition by directing the official respondents to allot an industrial plot to the petitioner comprising of 16 acres of land in industrial zone situated in Deh Dih Scheme Korangi Industrial Area, Karachi preferably within two months' time from today. The concerned Deputy Commissioner is directed that if he requires a proper application in this regard from the petitioner he should contact the petitioner to enable him to file a proper application for fresh allotment which area would be used exclusively for industrial purposes only by the petitioner. With these directions the instant petition alongwith all the listed and pending applications stands disposed of.

JUDGE

JUDGE