

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

Constitutional Petition No. D-6609 of 2017
(Naveed Ahmed v Federation of Pakistan & others)
Constitutional Petition No. D-3802 of 2018
(Naveed Ahmed v Federation of Pakistan & others)

Date	Order with signature of Judge(s)
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Before:
Mr. Justice Muhammad Karim Khan Agha
Mr. Justice Adnan-ul-Karim Memon

Date of hearing and order 22.4.2025

Ch. Saeed-uz-Zaman advocate for the petitioner.
Ch. Ashraf Butt advocate for CBC
Ms. Rehmat-un-Nisa advocate for KDA
M/s. Rafiq Ahmed Kalwar & Muhammad Yasir advocate for Intervenor
Mr. Moizuddin Qureshi advocate for Intervenor
Mr. Akbar Khan, Additional Attorney General
Mr. Ali Safdar Depar, AAG.

ORDER

Adnan-ul-Karim Memon, J: The Petitioners request this Court to direct Respondents No. 6 & 7 to demolish the encroachment on the government land designated for the 65-foot wide road between houses No. 871-D, 872, and 842, Sector D, Bhitai Colony. They also seek direction to Respondents No. 2, 4, & 5 to produce the original Master Plan of Sector D, Bhitai Colony, and direct Respondent No. 8 to take immediate legal action against Respondent No. 9.

2. Residing in Bhitai Colony, Karachi, the Petitioners are seeking legal intervention due to an encroachment on land reserved for a 65-foot road in Sector D. They explained that in 1971, the Cantonment Board established the colony with specific plot sizes, designating Sector D for 120 sq. yard plots. A 65-foot area was intentionally left in front of these residences, including theirs, to accommodate a double road for the community's benefit. These plots were leased for 99 years for residential use only, and this 65-foot space was exclusively intended for the road, as outlined in the unalterable Master Plan. The Petitioners submitted that Respondent No. 9, identified as a land grabber with police influence, is quickly building on this designated road space. Despite notifying relevant authorities, including Respondent No. 5 and the local police, no action has been taken, allegedly due to Respondent No. 9's sway. The Petitioners expressed concern that this encroachment will severely harm the local environment and cause significant hardship for residents. They believed the Respondents' inaction indicates their complicity in this illegal act, making the Court's immediate intervention for demolition necessary. The Petitioners also submitted that while Respondent No. 5 did attempt to

address the issue by writing to the Cantonment Board President on May 30, 2017, no progress was made. Having exhausted all other options, they now turned to this Court for justice.

3. The learned counsel for the petitioners in both the petitions stated that Respondent No. 9, in collusion with Sindh Building Control Authority officials, has encroached upon land near the Korangi Crossing area.

4. In these petitions, the counsel for Respondent No. 2 submitted statements confirming that the disputed plots fall under the jurisdiction and control of the Cantonment Board, Korangi Creek, Karachi, referencing Regulation 1-1.3 of the KBTPR 2002 and the provided statements, which were duly recorded and copies given to the petitioner's counsel.

5. In response to the Court's order of November 23, 2023, the Secretary of the Land Utilization Department (LUD) clarified that allotment orders for Plots No. 898-910 in Bhitai Colony were identified as fake and forged. The petition lacks specific plot details for the alleged encroachments. The Secretary stated that most allotments were under a 1975 policy managed by Deputy Commissioners/Commissioners. A verification revealed that the alleged 1992 allotment letters for the aforementioned plots were not issued by the LUD, and relevant records were destroyed in a fire. Request to the Deputy Commissioner, District Korangi, for verification of other plots (901, 902, 904, 908) received no response. Given the indication of fraudulent allotments, an inquiry has been initiated to prevent illegal land usurpation. The Secretary noted that primary allotment records reside with revenue offices and require reconciliation with the LUD. The Senior Member Board of Revenue Sindh has been asked to investigate these alleged fake allotments, potentially including the property in this petition.

6. We have heard the learned counsel for the parties and perused the record with their assistance.

7. Without touching the merits of the case and to resolve the encroachment on the public road as agitated by the parties, the Senior Member of the Board of Revenue (BOR), the Chief Executive Officer of the Cantonment Board, Korangi Creek, Karachi, and the head of the Anti-Encroachment Force Karachi are directed to jointly address this matter. They shall conduct a hearing involving all relevant parties to determine if an encroachment exists on the public road. If encroachment is confirmed, an immediate campaign must be launched to remove it from public

pathways in Bhitai Colony, Karachi as well as from the relevant area. This entire process must be completed within three months. These petitions are disposed of accordingly with pending application(s).

JUDGE

Head of Constitutional Benches

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