

COURT DIRECTIONS



NO.E&A(HEALTH)2-218/19(P-VIII)
GOVERNMENT OF THE PUNJAB
SPECIALIZED HEALTHCARE &
MEDICAL EDUCATION DEPARTMENT
Dated Lahore, the 27th May, 2024

To

- 1) All the Vice Chancellors of Medical Universities in the Punjab
- 2) All the Additional Secretaries, Specialized Healthcare & Medical Education Department
- 3) All the Heads/Principals of Teaching/Autonomous/Special Medical Institutions in the Punjab.
- 4) All the Deputy Secretaries, SHC & ME Department.
- 5) The Chief Planning Officer, SHC&ME Department.
- 6) The Senior Law Officer and Law Officers, SHC&ME Department.
- 7) All the Medical Superintendents of the Teaching Hospital in the Punjab.
- 8) The Managing Director, Punjab Health Foundation, Lahore
- 9) The CEO, Punjab Healthcare Commission, Lahore.
- 10) Head of Burn Center / Chairman Plastic Surgery, Pak Italian Burn Centre, Nishtar Medical University, Multan
- 11) The Director, Internal Audit Wing, SHC & ME Department.
- 12) The Director General (Nursing), Punjab, Lahore.
- 13) The Secretary, Blood Transfusion Authority, Lahore
- 14) The Surgeon General Medico-legal Punjab, Lahore.
- 15) The Director, Institute of Blood Transfusion Services, Punjab, Lahore.
- 16) All the Section Officers of SHC & ME Department.
- 17) All the Planning Officer / Budget Officer, SHC&ME Department.

SUBJECT: COMPLIANCE OF DIRECTIONS ISSUED BY THE HON'BLE SUPREME COURT OF PAKISTAN IN C.P. NO.09 OF 2010 ETC. RE: ENCROACHMENT ON PUBLIC ROADS & PAVEMENTS.

I am directed to refer to the subject cited above and to **enclose** herewith a copy of letter No. SO(SI&C-II)4-1/2024 dated 09.05.2024 of I&C Wing, S&GAD and letter No. 6436/AG,Pb, dated 04.05.2024 received from Advocate General Punjab, Lahore alongwith enclosures regarding compliance of directions issued by the Hon'ble Supreme Court of Pakistan in C.P. No. 09 of 2010.

2. I am, therefore, directed to request you to take further necessary action and ensure the compliance of these Court Orders of Hon'ble Supreme Court of Pakistan. The report may be send to the Advocate General Punjab, Lahore, I&C Wing S&GAD and to this department on **Top Priority Basis.**


SECTION OFFICER (GENERAL)

NO.& DATE EVEN:

A copy is forwarded for information and necessary action to:-

1. The Section Officer (I&C-II), Government of the Punjab, Services & General Administration Department (Implementation & Coordination Wing)
2. The Director IT, ICT Cell, SHC&ME Department.
3. The Senior Law Officer, SHC&ME Department.


SECTION OFFICER (GENERAL)

CC:

1. PSO to Secretary, SHC&ME Department.
2. PS to Special Secretary (Operation), SHC&ME Department.
3. PS to Special Secretary (Development & Reforms), SHC&ME Department.

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NO. SO(SI&C-II)4-1/2024
GOVERNMENT OF THE PUNJAB
SERVICES & GENERAL ADMINISTRATION
DEPARTMENT
(Implementation & Coordination Wing)

Dated Lahore the 09th May, 2024

To

1. The Senior Member, Board of Revenue, Punjab.
2. The Chairman, P&D Board, Punjab.
3. The Additional Chief Secretary, S&GAD, Punjab.
4. The Additional Chief Secretary, South Punjab.
5. The Chairman, Chief Minister's Inspection Team (CMITT).
6. All Administrative Secretaries to Government of the Punjab.
7. All the Divisional Commissioners in Punjab.
8. All the Deputy Commissioners in the Punjab.

SUBJECT: COMPLIANCE OF DIRECTIONS ISSUED BY THE HON'BLE SUPREME COURT OF PAKISTAN IN C.P. NO. 09 OF 2010 ETC. RE: ENCROACHMENT ON PUBLIC ROADS & PAVEMENTS.

I am directed to refer to the subject noted above and to **enclose** herewith a copy of letter No. 6436/AG.Pb dated 04.05.2024 received from Advocate General, Punjab, Lahore alongwith copy of order dated 25.04.2024 passed by the Hon'ble Supreme Court of Pakistan for further necessary action, under intimation to the

Advocate General office.

ADDL. SECRETARY (A)
Diary No.
Date: 16/05
DS
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SLO

CC: -

[Signature]
SECTION OFFICER (I&C-II)

1. Advocate General, Punjab.
2. Additional Secretary (General) / Staff Officer to Chief Secretary, Punjab.
3. PS to Secretary (I&C), S&GAD.

File No. ECA(H)

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SECRETARY SHC&ME	
Diary No. 2550	
Date: 16/5/24	
SS (OFF)	SS (DAR)
ASA	ASD
ASE	ASG
AST	ASP
DS ()	CPO
SLO	PSO



ADVOCATE GENERAL PUNJAB

OFFICE OF THE ADVOCATE GENERAL PUNJAB,
15-FANE ROAD, LAHORE.

Tel: 042/99212357 - 99212360
Fax: 042/99212358

No. 6436/AG.PB
Dated: 09-5-2024

Secretary
Implementation & Coordination Wing
Services & General Administration Department
Government of the Punjab
Lahore

Subject: Compliance of Directions Issued by the Hon'ble Supreme Court of Pakistan in C.P. No. 09 of 2010 etc. re: Encroachments on Public Roads & Pavements

Dear Sir/Madam:

This letter, along with certified copy of the subject order dated 25.04.2024 (received on 02.05.2024), is being issued for onward communication to all Attached Departments of the Government of the Punjab, for timely and effective compliance with the directions issued by the Hon'ble Supreme Court.

For ease of reference, the relevant portion(s) of the aforesaid order has been reproduced:

"Whilst encroachments by citizens are demolished it is unfortunately noted that encroachments on public roads and pavements are made by those paid out of the public exchequer. Occupants of properties also assume that the pavement running in front of their property is theirs, to do with it as they please. Generators are also installed thereon. Pavements are for the use of the public; access thereto and use thereof cannot be prevented or restricted. Everyone, including the provincial and Federal governments, and all those under them must abide by the law and cannot encroach upon public roads and pavements nor can block them which may stop or restrict public use thereof..."

...We are mindful of security concerns and the same can be met by placing the barriers within the premises. Unfortunately, over the years an anti-people mentality has developed where those paid out of the public exchequer assume that the garden or open space within their premises should be preserved. Therefore, all are directed, including all provincial and the Federal Governments, to clear public roads and pavements of all encroachments within three days, failing which the same should be demolished/removed by the relevant authority and the cost incurred thereon shall be recovered from those who encroached thereon. With regard to buildings in official use the amount shall be recovered from the senior most officer in occupation of the property/building in front of which runs the pavement on which

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Handwritten initials and date: 162, 08-5-23

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Stamp: Secy (I&C)
Date: 09-5-24
List of departments: AG (I&C), AG (P&C), AG (P&A), DG (I&C), DG (P&C), DG (P&A), DG (CA&E), DG (UEV), DG (P&M&U), P&S



ADVOCATE GENERAL PUNJAB

OFFICE OF THE ADVOCATE GENERAL PUNJAB,
15-FANE ROAD, LAHORE.

Tel: 042/99212357 - 99212360
Fax: 042/99212358

No. _____

barriers or other restrictions preventing public use thereof are placed...

Dated: _____

The operation of this order, directing the removal of encroachments from public roads and pavements, is applicable throughout Pakistan. Therefore, copies of this part of the order be sent to the Attorney-General for Pakistan and to all Advocates General for onward transmission to all the Ministries and Departments under their respective domains. The government shall place advertisements in newspapers informing the public of this order..."

Therefore, strict compliance with the directions of the Hon'ble Supreme Court may kindly be ensured by all relevant Departments/authorities, with intimation to the undersigned.

(Khalid Ishaq)
Advocate General Punjab

Phone: 9212310.

NO: Const. P.No.09 / 2010, etc
SUPREME COURT OF PAKISTAN

Karachi, the 27th April, 2024

From:

The Officer Incharge,
Supreme Court of Pakistan,
M.R. Kiyani Road,
Karachi.

To,


- 02/5/24
AM
1. The Attorney General for Pakistan, Islamabad. C/o Addl.Reg (J)
 2. The Advocate General Sindh, Karachi.
 3. The Advocate General Punjab, Lahore. C/o O/I (Lahore)
 4. The Advocate General, KPK, Peshawar. C/o A.R.(Peshawar)
 5. The Advocate General Balochistan, Quetta. C/o A.R.(Quetta)
 6. The Chief Secretary, Government of Sindh, Karachi.
 7. The Chief Secretary, Government of Punjab, Lahore. C/o O/I (Lahore)
 8. The Chief Secretary, Government of KPK, Peshawar. C/o A.R.(Peshawar)
 9. The Chief Secretary, Government of Balochistan, Quetta. C/o A.R.(Quetta)
 10. The Inspector General of Police, Sindh, Karachi.
 11. The Inspector General of Police, Punjab, Lahore. C/o O/I (Lahore)
 12. The Inspector General of Police, KPK, Peshawar. C/o A.R.(Peshawar)
 13. The Inspector General of Police, Balochistan, Quetta. C/o A.R.(Quetta)
 14. The Chairman, Pakistan Railways, Lahore. C/o O/I (Lahore)
 15. The Commissioner, Karachi.
 16. Mr. Murtaza Wahab, Mayor, Karachi.
 17. Ms. Zunaira Jalil, Additional Commissioner-II, Karachi.
 18. The Official Assignee, High Court of Sindh, Karachi.
 19. The Chairman, PEMRA, Islamabad. C/o D.R.(J)
 20. The C.E.O. Clifton Cantonment Board, Karachi.
 21. The C.E.O. Korangi Cantonment Board, Karachi.
 22. The C.E.O. Karachi Cantonment Board, Karachi.
 23. The C.E.O. Faisal Cantonment Board, Karachi.
 24. The C.E.O. Malir Cantonment Board, Karachi.
 25. The Chairman, Sindhi Muslim Cooperative Housing Society, Karachi.
 26. Mian Raza Rabbani, ASC, Karachi.
 27. Mr. Saalim Saleem Ansari, ASC, Karachi.
 28. Mr. Abid S. Zuberi, ASC, Karachi.

SUBJECT: **CONSTITUTION PETITION NO. 09 OF 2010 ETC.**
(Naimatullah Khan Advocate Vs. Federation of Pakistan
and others -)

I am directed to enclose herewith a certified copy of the Order of this Court **Dated 25-04-2024**, for information and necessary compliance as directed.

2. The receipt of this letter along-with its enclosure may kindly be acknowledged.

Encl:- Certified copy of Order.


27-4-24
(RAHILA MEMON)
Judicial Assistant
For Officer Incharge

IN THE SUPREME COURT OF PAKISTAN
(Appellate/Original/Review Jurisdiction)

Present

Justice Qazi Faez Isa, CJ
Justice Jamal Khan Mandokhail
Justice Naeem Akhtar Afghan

Constitution Petition No.9/2010, Criminal Original Petition No.7-K/2017, CMA No. 6206/2013, Criminal Original Petition No. 9-K/2021, CMA Nos. 441-K, 1083-K, 1112-K, 774-K/2017, CrI.MA No. 59-K/2018, CMA Nos. 1062-K, 1064-K/2021, 941-K/2020, 1114-K, 775-K, 698-K, 1000-K/2021, 74-K, 86-K, 711-K/2020, Civil Review Petition No. 57-K/2021, Criminal Original No. 8-K/2021, CMA No. 391-K/2020, CMA Nos. 424-K, 437-K, 438-K, 515-K/2021, CrI.MA No. 229-K/2018, CMA Nos. 621-K/2021, 167-K, 367-K, 177-K/2020, CMA Nos. 1004-K/2021, 770-K/2020, CrI.MA No. 52-K/2018, CMA Nos. 631-K/2019, 78-K, 523-K, 83-K, 512-K, 594-K/2020, 617-K, 889-K/2019, Civil Review Petition No. 28-K/2020, CMA Nos. 1087-K, 1095-K, 1129-K/2021, 940-K/2020, CrI.MA Nos. 121-K/2017, 38-K/2018, CMA Nos. 423-K/2019, 179-K/2020, CPLA No. 422-K/2020, CMA No. 767-K/2020, CPLA Nos. 92-K, 93-K/2020, Criminal Original Petition No. 19-K/2017, CrI.MA Nos. 124-K, 132-K/2017, 111-K, 243-K, 8-K, 19-K, 20-K, 72-K/2018, CMAs. No. 59-K, 349-K, 875-K, 933-K/2019, CM Appeal No. 139/2020, CMA Nos. 202-K, 281-K/2020, CrI.MA Nos. 32-K/2018, 1-K/2019, 34-K/2020, CMA Nos. 761-K, 808-K/2020, 782-K/2021, CPLA No. 599-K/2021, CMA Nos. 1014-K, 966-K, 1006-K, 1040-K, 971-K/2021, Criminal Original Petition No. 10-K/2021, CMA Nos. 1097-K, 1164-K/2021, CrI.MA Nos. 71-K, 95-K, 214-K/2018, 2-K/2019, CMA Nos. 521-K, 527-K/2019, 162-K, 193-K, 762-K/2020, 425-K/2019, Criminal Original Petition No. 5-K/2020, CMA Nos. 809-K, 82-K, 336-K/2020, Criminal Original Petition No. 1-K/2020, CMA Nos. 510-K/2021, 300-K, 414-K/2020, Report No. 7-K, 76-K/2021, CMA Nos. 1248-K, 1249-K, 1252-K, 1259-K, 1260-K, 1262-K/2021, 6-K, 12-K, 40-K, 83-K, 93-K, 94-K, 95-K/2022, Civil Review Petition No. 1-K/2022, CMA Nos. 27-K, 112-K, 126-K/2022, Civil Review Petition No. 4-K/2022, CM Appeal No. 18/2022, CMA Nos. 145-K, 141-K/2022, Criminal Original Petition No. 18-K/2021, Civil Review Petition Nos. 13-K, 11-K/2022, CM Appeal No. 26/2022, Civil Review Petition No. 23-K/2022, CMA Nos. 395-K, 403-K, 452-K/2022, Criminal Original Petition No. 10-K/2022, CMA No. 644-K/2022, CrI.MA No. 1-K/2022, CM Appeal No. 1-K/2022, Criminal Original Petition No. 11-K/2022, CMA No. 790-K/, 1085-K, 1108-K/2023, CM Appeal No. 2-K/2024 and CMA No. 293-K/2024.

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INCHARGE

Copy Supply Section
Supreme Court of Pakistan,
Branch Registry, Karachi

Naimatullah Khan, Advocate, etc.

Petitioners

Versus

Federation of Pakistan, etc.

Respondents



Attendance:

in CMA No. 941-K/2020:
in CMA No. 521-K/2019:
in CP No. 9/2010:

Mr. Mukesh Kumar G. Karara, ASC
Mr. Murtaza Ali, in-person
Kh. Shamsul Islam, ASC
Mr. Javed Kumbo,
Additional Secretary, Finance
Mr. Farhad Younus Memon,
Intervenor in-person.

in CMA No. 177-K/2020:

Mr. Abdul Basit Afridi, Advocate
Mr. Asim Iqbal, ASC
Mr. Farmanullah Khan, ASC
Mr. Shabbir Ahmed
Mr. Gul Khitab
Mr. Muhammad Raza

in CMA Nos. 1130-K and
1083-K/2021:

Mr. Abdul Haleem Siddiqui
Syed Dilshad Hussain Shah,
Spl. Prosecutor, NAB

in CrLMA No. 20-K/2018:
in CMA Nos. 767-K/2020
and 933-K/2019:
in CMA No. 1004-K/2021:

Mr. Mazhar Ali B. Chohan, AOR

In CRP No. 57-K/2021,
CrLMA Nos. 132-K/2017,
72-K/2018, 1-K/2019,
CMA Nos. 971-K and
510-K/2021:

Mr. M. Saleem Mangrio, ASC
Mr. Shoa-un-Nabi, ASC

in CMA No. 1087-K/2021:
in CMA No. 32-K/2018:
in CMA Nos. 933-K/2019,
767-K, 367-K, 391-K/2020,
CrI OP No. 8-K, 10-K/2021,
CMA No. 782-K/2021 and
452-K/2022:

Mr. Abida Parveen Channar, AOR

in CMA No. 438-K/2021:
in CrI OP No. 7-K/2017:

Mr. Obaidur Rehman, ASC
Mr. Najamuddin Sehto,
D.G., Malir Development Authority
Mr. Muhammad Irfan Baig,
Director Legal Affairs, MDA
Mr. Zakir Hussain Khaskheli, ASC

Mr. Zakir Hussain Khaskheli, ASC

Syed Ashique Raza, ASC
Mr. M. Hasan Akbar,
Advocate General, Sindh
Syed Mohsin Hussain Shah, AAG

Syed Asbique Raza, ASC

Syed Mehmood Akhtar Naqvi

Ms. Nahid Naz, ASC/AOR

in CrLMA No. 132-K/2017
and 72-K/2018:

in CMA No. 367-/2022:
in CP No. 9/2010:

In CrLMA Nos. 8-K, 16-K,
243-K/2018.

In CrI OP No. 1-K/2020,
CMA No. 82-K/2020:

In CMA No. 1085-K/2023:

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- In CMA Nos. 521-K,
661-K/2019, 36-K/2022: Mr. Murtaza Ali, in-person
- In CMA No. 1087-K/2021: Ch. Muhammad Iqbal, ASC
- In CMA No. 1095-K/2021: Mr. M. Imran Siraj, in-person
- In CP No. 9/2010: Mr. Zeeshan Zaman, Legal Officer,
Pakistan Rangers, Sindh
- In CP No. 9/2010: Mr. Muhammad Nasir Khalily,
D.S. Pak. Railway
Mr. Imran Faisal, Dy. D.G. Pak.
Railway Property and Land
Rao Moinuddin, A.D.L.A.
Raja Qasit Nawaz Khan, ASC
Mr. Afsheen Amar, ASC
- in CrI.OP No. 7-K/2017: Mst. Sabiha Parveen, in-person
- in CMA No. 770-K/2020 in
CP No. 9/2010: Mr. Wassam Shahid, Director
Military Land
Mr. Muhammad Hayat, Cantt. E.O.
Mr. Muhammad Zubair, Cantt. E.O.
Syed Irfan Haider, Cantt. E.O.
Mr. Mansoor Alam Khan, M.E.O.
- In CP No. 9/2010: Syed Hasan Naqvi, Commissioner
Karachi
Mr. Khalid Maroof, A.C. Revenue
- In CrI.OP No. 9-K/2021: Syeda Maria Raza
- In CP No. 9/2010: Mr. M. Umer Riaz, ASC Lahore
- In CMA No. 1108-K/2023: Mr. Muhammad Afzal Awan, ASC
- In CP No. 9/2010: Mr. M. Yaqoob Khan, Curator
Mr. Naveed Sandal Khan, Technical
Officer, National Museum Pakistan.
- In CMA No. 770-K/2021: Mr. Amir Mughal, G.M.
Mr. Shahab Sarki, ASC
- In CP No. 9/2010: Syed Salahuddin Ahmed, M.D./
CEO, KWSE
- In CP No. 9/2010: Syed Shujaat Hussain, D.G. KDA
Mirza Sarfraz Ahmed, ASC
Syed Shabihul Hassan, D.G. LDA
- In CP No. 9/2010: Mr. Zulifqar Gul Memon,
Chief Transport and Communication,

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Supreme Court of Pakistan,
Branch Registry, Karachi

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M/o P.D. & Spl. Initiative, Islamabad

Mr. Zia-ul-Haq Makhdoom,
Additional Attorney-General for Pakistan.

In CMA No. 438-K/2021:

Mr. Obaidur Rehman Khan, ASC

Mr. Faisal Siddiqui, ASC
(video link, Islamabad)

In CMA.1062-K/21,
CMA. 40-K/22 &
CMA. 93-K/22:

Mr. Munir Ahmed Malik, Sr. ASC.
Mr. K. A. Wahab, AOR.

In CMA.1064-K/21 &
CMA. 94-K40-K/22:

Mr. Arshad M. Tayebaly, ASC.
Mr. K. A. Wahab, AOR.

In CMA No. 941-K/22:

Mr. Khalid Javed, ASC.
Mr. Mukesh Kumar G. Karara, ASC.

In CMA No. 86-K/2020:

Mr. Abid S. Zuberi, ASC.
Mirza Sarfaraz Ahmed, ASC.
Mr. K. A. Wahab, AOR.
Mr. Ghulam Rasool Mangi, AOR.

In CMA No. 437-K/21 &
CMA No. 300-K/20:

Mr. Salahuddin Ahmed, ASC.

In CMA No. 1129-K/21:

Mr. Muhammad Umar Lakhani, ASC.
Mr. Murtaza Wahab, Mayor Karachi.

In CMA No. 1014-K/21:

Syed Haider Imam, ASC.

In CMA No. 1062-K/20:

Ms. Razia Danish, ASC.

In C.R.P. No.23-K/22:

Mr. Muhammad Hassan Akbar,
Advocate-General, Sindh.
Mr. Sibtain Mehmood,
Additional Advocate-General, Sindh.

25.04.2024

ORDER

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IN CHARGE

Copy Supply Section
Supreme Court of Pakistan
Branch Registry, Karachi

Date of Hearing:

Affectees of Gujjar, Orangi and Mehmoodabad Nallahs:

1. The learned Advocate-General, Sindh (the AG) states that the Government of Sindh stands by its commitment to allot 80 square yard plots to the affectees, and that 6,932 affectees had been identified. However, if any family whose house was demolished has not been included may submit their claim, with supporting documents



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and photographs, if any, to the Commissioner's Focal Person, Ms. Zunaira Jalil, Additional Commissioner-II, Karachi. He further states that since the matter needs to be finalized all such claims should be filed within one month. Those who submit claims must be informed of the decision whether their claim has been accepted or rejected.

2. The learned AG further states that the amount for construction purpose was fixed at one million rupees for each house by the Government of Sindh which was sufficient compensation, but since it was objected to by some of the affectees the matter was referred to the Pakistan Engineering Council to calculate what would be appropriate, and Pakistan Engineering Council's calculation is awaited. The order dated 8 April 2024 passed by this Court stipulated compliance be made within two months' time and such period has not expired as yet.

3. Once the above exercise is completed the Government should allot plots and pay compensation to the affectees immediately, and maintain proper record, without the need for an order from this Court.

Affectees of Nasla Tower:

4. Mr. Shahab Sarki, learned counsel states that he has filed an application on behalf of the affectees of the building known as Nasla Tower, which was demolished pursuant to the order of this Court. He has referred to order dated 16 June 2021 (paragraph 7 at page 269) which also states that, 'owner of the tower shall refund price of all shops/residential units and other areas in any form to the registered owners within a period of three months from today.' However, learned counsel states, that the order to refund lessees monies was not complied with by the owner of Nasla Tower, but adds that the owner has passed away. The possession of the said land on which stood Nasla Tower is with the Official Assignee of the High Court of Sindh. It is submitted that since the owner did not refund monies the said land proceeds be distributed amongst the affectees as per their respective shares. Nasla Tower, we are informed, was constructed on land measuring 780 square yards, and its owner also owned the adjacent amenity plot measuring 240 square yards (noted in order dated 22 September 2021). The learned AG agrees with the proposal for the sale

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INCHARGE

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Supreme Court of Pakistan,
Branch Registry, Karachi



of the plot measuring 780 square yards but states that the 240 square yard amenity plot should only be used as an amenity as permitted under the law.

5. Notice be issued to the Sindh Muslim Cooperative Housing Society ('SMCHS') where the land is situated. SMCHS is directed to provide the name and particulars of the owner(s) of the said land within one week whereupon the office shall issue notice(s) to them. The SMCHS shall also provide information regarding the said two plots, that is, 780 and 240 square yards and their permissible use. SMCHS's representative is directed to be in attendance on the next date of hearing.

6. The affectees of Nasla Tower should file proof of their booking/ownership and the amounts paid by them with the Official Assignee of the High Court of Sindh within one month. The Official Assignee shall have advertisements published which should mention a reserve price in at-least two prominent newspapers published from Karachi; one in English and the other in Urdu language, and sufficient time be granted for submission of bids. The advertisements should stipulate the permissible use of the 780 square yards plot the permissible built-up area, number of storeys and height, and to separately state the use for which the adjacent 240 square yards amenity plot can be put.

7. The Official Assignee may accept the highest bid or readvertise as per the normal practice and shall submit his report to this Court which should mention whether the sale amount would be sufficient to cover the amount to be refunded to the affectees, and if not propose a methodology for the distribution of such amount. The costs incurred by the Official Assignee shall be borne by the Government. Copy of this part of the order be sent to the Official Assignee of the High Court of Sindh, and to SMCHS. SMCHS to provide all information to and shall fully cooperate with the Official Assignee.

ATTESTED,



INCHARGE

Copy Supply Section
Supreme Court of Pakistan
Branch Registry, Karachi

Tejori Heights:

8. The learned Dr. Raana Khan has referred to order dated 29 October 2021 (page 374 of the order sheet) and states that the



applicants had booked an apartment in the project known as Tejori Heights. However, since Tejori Heights was being constructed on land owned by the Railways the construction was ordered to be demolished under the supervision of the Commissioner, Karachi and it was so demolished. She further states that pursuant to the same order it was undertaken by the learned Mr. Raza Rabbani who represented the owners of the project, that those who had booked units in Tejori Heights will be compensated within a period of three months, but this was not done. Instead a review petition has been filed by the learned Mr. Raza Rabbani, which has not been numbered, and an application for adjournment has been submitted on his behalf. The learned Messrs Mian Raza Rabbani, Salim Saleem Ansari and Abid S. Zuberi had represented the owners of Tejori Heights project, and though Mr. Ansari nor Mr. Zuberi are present they cannot recollect the names of the owners of the project known as Tejori Heights. In view of the request for adjournment we are adjourning this case, but to save time the office should issue **notice** of the review petition to Pakistan Railways. The learned Mr. Raza Rabbani should attend to the maintainability of the review petition having agreed to pay compensation. He should also submit details of those who had made bookings in Tejori Heights, the amount received from them and whether the said amount was refunded to them. Copy of this order be sent to the learned Mr. Raza Rabbani who shall submit a concise statement attending to the queries, including disclosing the identity of the owners of project known as Tejori Heights.

Encroachments:

9. Whilst encroachments by citizens are demolished it is unfortunately noted that encroachments on public roads and pavements are made by those paid out of the public exchequer. Occupants of properties also assume that the pavement running in front of their property is theirs, to do with it as they please. Generators are also installed thereon. Pavements are for the use of the public, access thereto and use thereof cannot be prevented or restricted. Everyone, including the provincial and Federal governments, and all those under them must abide by the law and cannot encroach upon public roads and pavements nor can block them which may stop or

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Containers:

12. Shipping containers are brought to close roads and pavements to stop protestors from proceeding but then are left by the roadside and on pavements. After serving the purpose for which the containers were brought they must be removed from roads and pavements. Roads and pavements are for the use of the public and cannot be allowed to be permanently obstructed in this manner.

Trees:

13. The effect of scorching heat in the summer months and pollution inhaled by pedestrians can be offset by taking care of existing trees, replacing dead ones and planting new ones on pavements. Unfortunately, this is not done. Trees are also invaluable in removing pollutants and producing oxygen, and are effective against climate change. And, if pavements are lined with trees it will undoubtedly encourage more people to use them. The local governments are in dereliction of this duty towards the public. Therefore, all local governments should immediately carry out a survey and proceed to plant trees on pavements and to take care of them.



Karachi:
25.04.2024

(M. Tauseef)
27-4-24

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