

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI

C.P. No.D-2038 of 2020
Zafaru ul Islam

Versus

The Federation of Pakistan & others

For hearing of main case

**Date of hearing
& order : 27.08.2021**

Mr. Noor Muhammad Dayo, Advocate a/w petitioner
Mr. Riaz Alam, Special Prosecutor, NAB

ORDER

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Muhammad Iqbal Kalhoro, J:- Petitioner claims to be a bonafide purchaser and 5th owner of Plot No.B-67, measuring 400 Sq. Yds, in Block No.6, situated in KDA Scheme-36, Gulistan-e-Jouhar, Karachi. In the year 2017, NAB started an enquiry against KDA officials for making illegal allotment of KDA land to various people. The plot of petitioner also came under the enquiry and therefore the caution u/s 23 of NAO, 1999 was enforced by NAB thereon. However, in the investigation no nexus of the petitioner in the commission of offence was found and he was not arraigned in the Reference No.31 of 2018. On the contrary, NAB made him as a witness, and reportedly he has adduced evidence before the trial court.

2. The petitioner has filed this petition for taking auction enforced on his plot u/s 23 of NAO, 1999 off and permission to raise construction thereon on the grounds, among others, that he is not accused in the offence and even NAB has not sought freezing order over his plot in terms of section 12 of NAB , 1999 from the trial court.

3. Learned Special Prosecutor, NAB, has submitted that the trial is pending and almost all the witnesses have been examined except IO. However, he admits that petitioner is not accused in the case and no order in terms of section 12 of NAB, 1999 has been sought by NAB in proceedings before the trial court.

4. In view of such facts coupled with the scheme contained u/s 23 of NAB, which only seeks to execute an embargo on the transfer, alienation and creating charge over the property respecting a person in possession thereof, we allow this petition in the terms whereby without removing caution over the plot, nevertheless, as requested by petitioner, permit him to raise construction over his plot on his own risk and cost and subject to final outcome of the Reference No.31/2018, in which the plot is also a subject matter. And meanwhile, as stated above, the caution u/s 23 of NAB will remain on the plot.

Petition stands disposed of in above terms.

JUDGE
JUDGE

Rafiq/P.A