

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
C.P. No.D-429 of 2003

Order with signature of Judge

1. For orders on CMA No. 14999/2025
2. For orders on CMA No. 24925/2025
3. For Hearing of CMA No.3031/07 (Section 114)
4. For Hearing of CMA No.833/06 (Contempt App)
5. For Hearing of CMA No. 3540/05 (U/S 151)
6. For Hearing of CMA No. 1580/05 (U/O 39)
7. For Hearing of CMA No. 4480/06 (Contempt App)
8. For Hearing of CMA No. 953/05 (U/S (12) 2)
9. For Order on Nazir Report Dated: 18-12-2005
10. For Order on CMA No. 26352/22
11. For Order on CMA No. 3706/22
12. For Order on CMA No. 16761/18
13. For Hearing of CMA No. 12448/23
14. For Hearing of CMA No. 12449/23
15. For Hearing of CMA No. 14632/22
16. For Hearing of CMA No. 13899/22
17. For Hearing of CMA No. 13430/09
18. For Hearing of Main Case.

26.01.2026

Mr. Shahnawaz Memon, Advocate for the Petitioner.
Mr. Khalid Jawed, Advocate for KDA.
Mr. Ali Safdar Deepar, Assistant Advocate General Sindh.
Mr. Humair Ahmed. A.C. North Nazimabad is present.

ORDER

Zulfiqar Ali Sangi J.- All the above-listed applications have remained pending for a considerable period and, therefore, are being decided through this common order.

2. The record reflects that the parent petition was disposed of by this Court vide order dated **19.11.2003**, whereby specific directions were issued to the respondents. The respondents were directed to examine the legality of the allotments made in favour of the petitioners in each individual case after affording them an opportunity of hearing, strictly uninfluenced by any earlier cancellation orders, if any. It was further directed that, in case the allotments were found to be lawful, the respondents would execute all necessary documents enabling the petitioners to acquire valid title within one month of such decision. The Court further protected the possession of the petitioners by directing that none of them shall be ejected from the plots in

their possession unless and until the allotment in their favour was declared illegal by the competent authority. The entire exercise was expected to be completed within a period of three months from the date of the said order.

3. Subsequently, a contempt application along with other miscellaneous applications, including a review application, came to be **filed. The proceedings reveal that on 02.11.2004, Mirza Saeed Baig, ADO**, appeared before the Court and stated that all formalities stood completed as per the record of CDGK and that the petitioners were found to be eligible and proper persons in whose favour allotments had been issued. He further submitted that the final regularization letters were in the process of issuance, whereafter the matter was adjourned.

4. On **12.11.2004**, Mirza Saeed Baig, ADO, along with Najamuddin Sikandar, DDO, again appeared and placed on record a list of **81 petitioners** to whom regularization letters had already been issued. However, it was submitted that the cases of **14 petitioners** were still under scrutiny, particularly concerning the nature of the plots as commercial plots and the applicable rates. Thereafter, on **25.11.2004**, a further statement was filed by Mirza Saeed Baig, ADO, stating that allotment letters in respect of the remaining 14 petitioners were ready to be handed over subject to payment of differential prices. This assertion was objected to by learned counsel for the petitioners, who maintained that the entire amount had already been paid by the petitioners.

5. During the pendency of the matter, **Civil Miscellaneous Application No.953 of 2005** was filed, wherein the applicants were directed to approach the concerned District Officer (Land Management), KDA Wing. It further appears that on **06.09.2005**, it was brought to the notice of the Court that the subject plots had been allotted by the then Chief Minister; however, it was also stated that the said plots were reserved for amenity purposes, and on that account, regularization orders in favour of the remaining petitioners had not been issued. On the said date, this Court restrained

the petitioners from raising any construction or creating third-party interest in respect of the subject properties.

6. The record further reveals that on **27.04.2007**, the Nazir was directed by this Court to attach the amenity plots. A review application against the said order was filed, which is still pending. It is also noted that the application filed under Order I Rule 10 CPC by the petitioners in **C.P. No.D-321 of 2007** was dismissed on the ground that their petition already stood decided vide judgment dated **18.02.2009**.

7. At present, learned counsel for the petitioners submits that the grievances of all petitioners, except the aforesaid **14 petitioners**, have **been fully redressed and that the respondents have failed to** comply with the disposal order dated 19.11.2003 insofar as the said 14 petitioners are concerned.

8. On the other hand, learned counsel for the respondents, along with the learned Assistant Advocate General Sindh, has vehemently opposed the applications by placing reliance on the order dated **22.01.2019** passed by the Hon'ble Supreme Court of Pakistan in **Civil Petition No.815-K of 2016 and others**, as well as the order dated **07.02.2024** passed in **Civil Petition No.34-K of 2015**.

9. We have heard the learned counsel for the parties at length on listed applications and have carefully perused the material available on record, including the Order of the Supreme Court on the subject issue.

10. It is evident that the directions contained in the original order dated 19.11.2003 have been substantially complied with by the respondents in respect of all the petitioners, except the said **14 petitioners**. The consistent stance of the department is that the plots allotted to these petitioners fall within the category of **amenity plots**.

11. In this regard, we have examined the **Notification dated 02.02.1994**, which reflects that under the Karachi Development Authority Order, 1957, Article 5(2-A) was substituted, clearly providing that no amenity plot reserved for the purposes mentioned therein shall be converted or utilized for any other purpose. It is by now a settled principle of law that amenity plots

cannot be converted for any use other than the purpose for which they are reserved.

12. The controversy involved has also been authoritatively settled by the Hon'ble Supreme Court of Pakistan in **Civil Petition No.D-34-K of 2015 and others**, vide order dated **07.05.2025**. The apex Court has categorically held that after the enactment and notification dated **02.02.1994**, any conversion or auction of amenity plots for alternative purposes is devoid of lawful authority, except those conversions or auctions sanctioned prior to the said date.

13. In view of the above legal position, and keeping in mind that sufficient compliance of the main order has admittedly been made in respect of all other petitioners, we are of the considered view that, so far as the remaining **14 petitioners** are concerned, this Court cannot undertake a detailed factual inquiry or investigation within its constitutional jurisdiction based on the purported applications. Such disputed questions of fact require proper adjudication through recording of evidence, by the Court of plenary jurisdiction

14. Moreover, in light of the binding pronouncements of the Hon'ble Supreme Court, amenity plots cannot be converted or regularized for any other purpose in violation of the law. Consequently, no further direction can be issued by this Court in favour of the said 14 petitioners within the scope of the present proceedings.

15. Accordingly, **all the listed applications are disposed of**. The parties, particularly the remaining 14 petitioners, are left at liberty to agitate their respective grievances before the competent **Civil Court**, which has the ultimate jurisdiction to adjudicate upon the disputed questions of fact after recording evidence, in accordance with law.

JUDGE

JUDGE