

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C.P. No. D-6419 of 2020

Date	Order with Signature(s) of Judge(s)
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Hearing

1. For orders on C.M.A. No. 32146/21 (Urgency Application).
2. For orders on C.M.A. No. 30926/21 (U/S 151 C.P.C.)
3. For hearing of main case.

22.12.2021

Mr. Waseem Akhtar, Advocate for petitioner.
Syed Mubarak Ali Shah, Advocate for K.D.A.

1. Urgency application is granted.

2-3. Through instant petition, the petitioner inter-alia seeks direction to respondents No. 1 & 2 to reconstitute the file of the subject property i.e. Plot No. D-57, admeasuring 933.33 squares yards, situated in Block-I, Clifton, Karachi without any further delay.

It is case of the petitioner that he is lawful owner of the subject property having acquired the same from respondent No. 1 (K.D.A.) vide Allotment Order No.CDGK/KDA/Clif/D-57/1/527 dated 28.10.2005 and after completion of requisite payment the respondent No. 2 (Director Land Management, K.D.A.) issued Possession Order No. CDGK/KDA/Clif/D-57/1/597 dated 12.12.2005 and handed over physical possession of the subject property to the petitioner vide Acknowledge of Possession No.ADO/W&S/138 dated 07.01.2006 alongwith site plan thereof, so also executed Indenture of Lease Deed in favour of the petitioner bearing Registration No. 6073 dated 11.10.2006 before the Sub-Registrar-II, Saddar Town, Karachi dated 10.01.2007 (Copies of the aforementioned documents are available as annexures "P/1 to P/5" at pages No. 15 to 33 of the memo of petition).

It is case of the petitioner that he recently approached to respondent No. 2 regarding issuance of challan of payment of up to date dues outstanding against the subject property whereupon he was informed by the concerned staff that the

record file thereof was not available and missing from the record room; whereafter he approached respondent No. 1 but no heed was paid; hence, this petition has been maintained.

Upon service of notice, the respondents No. 1 to 3 have filed their parawise comments, through their counsel, duly signed by the Additional Director (District South) Land Management, K.D.A. the relevant paragraph whereof is reproduced here-in-under:-

“As per record of Land Department, KDA there is no record file available in the Record Room of Plot No. D-57, Block-I, measuring 933.33 squares yards, KDA Scheme-5, Clifton Karachi. The detail of the present record obtained from the Site Office i.e. Executive Engineer Clifton Division, KDA. The brief report of the subject property is submitted vide letter No. EE/Clifton/KDA/2017/308, dated 05.05.2017. Copy of the report alongwith its enclosures are annexed herewith as Annexures R/2. At present the subject property stands in the name Mr. Rizwan Hayder Chawala s/o. Shaikh Shabbir Hussain Chawala.”

Learned counsel appearing for respondents No. 1 to 3 (K.D.A.) contends that so far title of the petitioner with regard to the subject property is concerned, that is admitted fact; however, the department is ready to reconstruct / reconstitute the file of the subject property.

We; therefore, direct the concerned officer of the respondents No. 1 to 3 (K.D.A.) to reconstruct/reconstitute the record/file of the subject property as per rules and procedure and complete all the requisite formalities thereof within a period of ninety (90) days hereof. Such compliance report be submitted before this Court through MIT-II of this Court.

The petition stands disposed of in above terms with pending applications.

JUDGE

JUDGE