

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Acquittal Appeal No.738 of 2024

Date	Order with signature of Judge(s)
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Presented:

Mr. Justice Salahuddin Panhwar,
Mr. Justice Adnan-ul-Karim Memon

1. For order on MA No.14742/2024 (Limitation)
2. For hearing of main case

03.12.2024

Mr. Shuja Abbas Rizvi advocate for the appellant

Salahuddin Panhwar, J:- Pursuant to order dated 08.11.2024, learned counsel for the appellant has submitted details of properties with the chart. Being relevant, paragraph 2 is reproduced herewith: -

“2. In pursuance of Section 2 (a) of the Act ibid, abandoned property means any property, movable or immovable (including share in industrial units and firms, investments, deposits, policies of insurance and all other interests and right in or to or arising out of any such property). belonging to a specified person and includes any such property sold or transferred to, or placed under the supervision or control of, any other person on or after the sixteenth day of December 1971, but does not include any ornaments or wearing apparel or any cooking vessels or other household effects in the in the immediate possession of a specified person. Details of abandoned properties at the disposal of this organization ie. Abandoned Properties Organization, Karachi are as under :-

IMMOVABLE ASSETS / ABANDONED PROPERTIES

S.No.	Property No.	Area in Sq. yard	Address	Present Status
1	HOUSES			
i	16/C	200 Sq. Yards	6/C Block-2, PECHS, Karachi	On rent
ii	B-5	400.Sq. Yards	B-5 Al-Hilal, CHS, Karachi	On rent
iii	B-23	400.54. Yards	B-23, Al-Hilal, CHS, Karachi	On rent
iv	B-9, Bath Island Gulshan-e-Faisal Street No.2, Karachi	1986 Sq. Yards	B-9, Bath Island Gulshan-e-Faisal Street No.2, Karachi	On rent
v	D-18 Al-Hilal CHS	1170.5q yards	D-18 Al-Hilal CHS Karachi	Under litigation
vi	43/4/C, Block-6, PECHS, Karachi	2200 Sq. Yards	43/4/C, Block-6, PECHS, Karachi	On rent (01 out of 03 portions vacant)
vii	252-A, Block-6, PECHS, Karachi	600 5q Yards	252-A, Block-6, PECHS, Karachi	On rent

viii	K-78 Quaidabad Landhi	107 Sq. Yards	K-78, Plot No.114 Survey No 416, Quaidabod Landhi Karachi	Encroached in litigation
2	<u>COMMERCIAL BUILDING</u> Hasan Manzil Arambagh Road, (FLATS 10) (SHOPS 05) (GODOWN 01)	600 Sq. Yards	RB-6/12-2, Hasan Manzil Arambagh Road, Karachi	(In vacation process)
3	<u>GODOWN</u> AK-11-25-32, Chakiwara Karachi	492 Sq. Yards	GODOWN	On rent
4	<u>PLOTS</u>			
i	D-24 Al-Hilal CHS, Karachi	1111.11 Sq. Yard	D-24 Al-Hilal CHS, Karachi	Encroached
ii	E-123 Sector 50/C, Korangi Township, Karachi	1152 Sq. Yard	E-123 Sector 50/C, Korangi Township, Karachi	Encroached and under litigation
iii	D-23 Block-7, Gulshan-e- Iqbal, Karachi	1000 Sq. Yards	D-23 Block- 7, Gulshan-e- Iqbal, Karachi	On rent
iv	D-53 Block-F, North Nazimabad, Karachi	1000 50. Yards	D-53 Block- F, North Nazimabad, Karachi	Vacant
v	R-158 F.B. Area, Karachi	120 Sq. Yards	R-158 F.B. Area, Karachi	Vacant
vi	D-235 KDA Scheme No. 1, Karachi	650 Sq. Yards	D-235 KDA Scheme No. 1, Karachi	Vacant
vii	C-22 Al-Hilal, CHS, Karachi	772 5q. Yards	C-22 Al- Hilal, CHS, Karachi	Encroached and under litigation
viii	A-319 Block- D North Nazimabad Karachi	200 Sq. Yards	A-319 Block- D North Nazimabad Karachi	Encroached and under litigation
ix	C-20 Golarchi Badin	111 Sq. Yards	C-20 Mandi Town Golarchi Badin	Encroached (court case recently won by APO. District Administration has been requested to assist APO in vacation of plot)
x	345 Plots Orangi Township Karachi	80 Sq. Yards each	345 Plots Orangi Township Karachi	Encroached & disputed with Government of Sindh.
5	<u>Agricultural Land</u>	3804-03 Acres	In Six Districts of Sindh	In possession of the Board of Revenue,

				Government of Sindh.
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ABANDONED SHARES IN COMPANIES-ACTIVELY TRADING IN PAKISTAN STOCK EXCHANGE:-

896,304/- abandoned shares (leftover by Bengalis) are actively trading in Pakistan Stock Exchange. Their market value fluctuates, however, at present their worth in market is approx. Rs.43,487,895.61/-.

INVESTMENT IN GOVERNMENT SECURITIES ie. PAKISTAN INVESTMENT BONDS :-

Rs.12,927,830,000/- was total investment of APO Karachi till 17.07.2024. Rs.7,794,100,000/- were transferred in Federal Consolidated Fund, in July 2024, under amendment made in Section 16 (k) of Abandoned Properties (Management) Act, 1975 on attaining maturity after 10 years. At present, investment of APO, Karachi amounts to Rs.5,133,730,000/-.”

Upon review, it is evident that numerous properties are under encroachment, and related litigation is ongoing. Additionally, 3,804 acres of agricultural land across six districts in Sindh are under the possession of the Board of Revenue. To ensure clarity and accountability, the following directives are issued:

1. **Report Submission by the Board of Revenue:** The Senior Member of the Board of Revenue is directed to submit a detailed report, which must include:
 - A complete breakdown of the properties under encroachment, supported by original (mother) entries and any subsequent entries in the record.
 - Identification of all properties currently in possession of the Board of Revenue, accompanied by photographic evidence to substantiate claims of possession.
 - Details of actions taken to address encroachments or ongoing litigations.

This report must be thorough and filed with the Court within a specified timeframe. Failure to comply will require the personal appearance of the Senior Member before the Court.

2. Let the Notice be issued to the Advocate General Sindh, who is directed to review the matter and provide appropriate legal assistance to expedite resolution and compliance.
3. The learned Registrar of this Court is directed to ensure this order is communicated directly to the Board of Revenue, emphasizing the necessity of strict adherence to its letter and spirit. Confirmation of receipt and acknowledgment of this communication must be provided to the Court.
4. The learned Deputy Attorney General (DAG) shall conduct a thorough inquiry and submit a report on the following:

- Whether properties left by Bengali individuals were communicated back to their original owners.
- Whether compensation was provided to these individuals in Bangladesh.
- Whether any claims or disputes have been filed regarding these properties, and their current status.

To come up on **18.12.2024**.

Office to communicate this order to the office of learned Advocate General Sindh as well as learned DAG.

JUDGE

JUDGE

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