



21st April, 2015

Mr. Muhammad Siddique Memon,
Chief Secretary Sindh,
Government of Sindh,
Karachi.

Sub: Complaint by Syed Adil Gilani, Advisor Transparency International Pakistan Regarding
Illegal Scale of 350 Acres of KPT Land by Sindh Government.

Dear Sir,

Transparency International Pakistan refer to the Anti-Corruption Case filed by Abdul Jabbar Khan, Assistant Director, Anti-Corruption Establishment, South Zone, Karachi in the Anti-Corruption Court, Karachi, on 30-03-2015, regarding 1600 acres Karachi Port Trust (KPT) and Port Qasim land leased to DHA in 2007, 2013 and 2015, on which a CMA is filed in HRC No. 22978-S/2014 in the Supreme Court of Pakistan, CMA No 18-6/2015 on 13.4.2105 (**Annexure A**).

Supreme Court of Pakistan in the HRC No. 22978-S/2014 on 17.3.2015 has issued a notice for Contempt of Court of the Status Quo granted on 4.7.2012 against GoS, in CP No 47 of 2011, to Sajjad Saleem Hotiana, Chief Secretary, Government of Sindh, Karachi, Aftab Ahmed Memon, Secretary, Land Utilization department, Board of Revenue, Government of Sindh, Karachi, Malik Israr Hussain, Senior Member, Board of Revenue, Government of Sindh, Karachi, Javed Hanif Khan, Secretary, Government of Sindh, Karachi and KMC through dealing officer. (**Annexure B**).

TIP also refer to the news published in Dawn on 19th April, 2015 with the caption "Charge-sheet filed in 'illegal' land lease case" which states as under; **Annexure C**

The Anti-Corruption Establishment (ACE) submitted on Saturday a charge-sheet in court against a sub-registrar of Clifton Town in a case pertaining to alleged illegal lease of over 1,600 acres of provincial government land to Defense Housing Authority.

The ACE booked Sikander Ali Qureshi, the then sub-registrar of Clifton Town, and two deceased sub-registrars Iqbal Ahmed and Afsar Main for their alleged involvement in making illegal leases from 2003 to 2007 of over 1, 600 acres of unclaimed/ abandoned land of sea in favor of the DHA.

The investigating officer, Abdul Jabbar Khan, of the ACE through a prosecutor submitted the interim charge-sheet in the special provincial anti-corruption court.

The IO charge-sheet Sikander Qureshi and did not send up the other two nominated officials for trial stating ad they had been passed away.

The charge-sheet said that during an inquiry it was established from Article 172 of the Constitution read with Section 50 of the Sindh Land Revenue Act, 1967, as well as the decisions of higher and superior judiciary that the Sindh government was the lawful owner of unclaimed/ abandoned land of sea.



The judge, Gulshan Ara Chandio, fixed the case for April 24 to decide the fate of the interim charge-sheet.

This action of Anti-Corruption Department, which has reportedly been taken after the approval has been given by the Chief Secretary Sindh to process with this complaint, in view of the above order of the honorable Supreme Court of Pakistan may amount to Contempt of Court.

Enclosed is the letter 166/73/- 8445 R-II of Government of Sindh, Land Utilization Department, Hyderabad dated 21-9-73, addressed to Director General of Ports & Shipping, Minister of Political Affairs and Communication, Government of Pakistan, which confirms that the land from Bed of Sea and the fore-shore area upto 50 yards is not Sindh Government Land. **(Annexure D).**

The High Court of Sindh order dated 22.9.2005 in the Suit No. 126 of 2001, Port Qasim versus Province of Sindh and DHA adjudicated the area within 50 yards of the high water mark is concerned, the Provincial Government has no right to interfere in it.


"In this view of the matter and for what has been discussed above, no other opinion can be gathered but to hold that so far the area within 50 yards of the high water mark is concerned, the Provincial Government has no right to interfere in it. This application is, therefore, granted in the above terms and defendant No. 1 is restrained as prayed".

The Chief Secretary is requested to immediately take action against Anti-Corruption Department for violation of Supreme Court orders in as well as High Court judgment No. 126 of 2001 dated 22-09-20105 regarding mis-statement by Abdul Jabbar Khan, Assistant Director, Anti-Corruption Establishment, South Zone, Karachi that Sindh Court has decided that the land of KPT and Port Qasim belongs to province of Sindh.

Chief Secretary is requested to confirm the action taken by against the Anti-Corruption Establishment under Article 19-A of the Constitution.

Transparency International Pakistan is striving for across the board application of Rule of Law, which is the only way to stop corruption.

With Regards,


Syed Adil Gilani
Adviser

Copies forwarded for the information with request to take action under their mandate to:

1. Secretary to Prime Minister, Islamabad.
2. Chairman, Prime Minister's Inspection Commission, Islamabad.
3. Chief Minister, Government of Sindh, Karachi.
4. Director General, NAB, Karachi.
5. Registrar, Supreme Court of Pakistan, Islamabad.
6. Administrator DHA, Karachi,
7. Chairman KPT, Karachi,
8. Chairman PQAA, Karachi

News

IN THE HON. SUPREME COURT OF PAKISTAN ISLAMABAD
(Original Jurisdiction)

CMA ON BEHALF OF THE COMPLAINANT

CMA No. 1806/2015
IN
HRC No. 22978-S/2014

Complainant By Syed Adil Gilani, Advisor Transparency International Pakistan
Regarding Illegal Sale of 350 Acres of KPT Land by Sindh Government

Counsel for the Complainant :

Hashmat Ali Habib
Advocate Supreme Court
with Syed Rafiqat H. Shah
Advocate on Record

Counsel for the respondents :

APPLICATION FOR PERMISSION TO PLACE ADDITIONAL
DOCUMENTS ON RECORD ON BEHALF OF THE COMPLAINANT

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IN THE HON. SUPREME COURT OF PAKISTAN ISLAMABAD
(Original Jurisdiction)

CMA ON BEHALF OF THE COMPLAINANT

CMA No. /2015
IN
HRC No. 22978-S/2014

Complaint By Syed Adil Gilani, Advisor Transparency International Pakistan
Regarding Illegal Sale of 350 Acres of KPT Land by Sindh Government

Counsel for the Complainant : Hashmat Ali Habib
Advocate Supreme Court
with Syed Raffaqt H. Shah
Advocate on Record

Counsel for the Respondents :

APPLICATION FOR PERMISSION TO PLACE ADDITIONAL
DOCUMENTS ON RECORD ON BEHALF OF THE COMPLAINANT

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2.	URDU NEWS ITEM	09-04-2015	02
3.	Copy of FIR with English Translation	30-03-2015	3-4
4.	Affidavits of AOR	13-04-2015	5-6

Certified that the book as bound is complete and correct

(Syed Raffaqt Hussain Shah)
Advocate on Record
Supreme Court of Pakistan
Islamabad

Islamabad: 13 April, 2015

IN THE HON. SUPREME COURT OF PAKISTAN ISLAMABAD
(Original Jurisdiction)

CMA ON BEHALF OF THE COMPLAINANT

CMA No. /2015
IN
HRC No. 22978-S/2014

Complaint By Syed Adil Gilani, Advisor Transparency International Pakistan
Regarding Illegal Sale of 350 Acres of KPT Land by Sindh Government

APPLICATION FOR PERMISSION TO PLACE ADDITIONAL
DOCUMENTS ON RECORD ON BEHALF OF THE COMPLAINANT

Humbly Sheweth;

1. That the cited case is fixed for hearing on 14-04-2015 before Bench No. 1 of Apex Court.
2. That the complainant request permission to place additional documents relevant and important for determination of the points involved in this H.R.C. as prima facie lodging of FIR during valid restraining order attracts action under Article 204 of Constitution of Islamic Republic of Pakistan -1973 read with contempt of Court Ordinance.

It is therefore respectfully prayed that the permission to file additional documents may be allowed in the interest of justice.

(Syed Raffiqat Hussain Shah)
Advocate on Record

Dated : 13-04-2015



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ڈی ایچ اے کو فروخت کھربوں کی زمین کا معاملہ نیب کے حوالے کیا جائیگا

کراچی (رپورٹ: آغا طارق) کراچی پورٹ ٹرسٹ اور پورٹ قاسم اتھارٹی کی جانب سے ڈی ایچ اے کو فروخت کی جانے والی کھربوں روپے کی 11616 ایکڑ زمین کا معاملہ اینٹی کرپشن سے تحقیقات کے بعد نیب کے حوالے کیا جائے گا، سندھ حکومت نے زمین ڈی ایچ اے کے حق میں لیز کرنے والے دور رجسٹراروں کے خلاف مقدمہ درج کرنے کے بعد مزید افسران کو بھی شامل تفتیش کرنے کا فیصلہ کیا ہے۔ سمندری حدود میں جب سمندر پیچھے ہو کر جو زمین چھوڑتا ہے وہ سندھ لینڈ ریونیو ایکٹ 1967 کے تحت سندھ حکومت کی ملکیت ہوتی ہے لیکن کے پی ٹی اور پورٹ قاسم اتھارٹی نے آئین اور قانون کو بالائے طاق رکھتے ہوئے سمندر کی 11616 ایکڑ زمین اپنی دکھا کر سندھ حکومت کے محکمہ ریونیو کے ماتحت دور رجسٹراروں کے ذریعے قانونی دستاویزات کے بغیر اپنے نام کروالی تھی جس کے باعث سندھ حکومت کو قیمتی اراضی سے حاصل ہونے والے کھربوں روپے کے نقصان کا سامنا ہے۔ معلوم ہوا ہے کہ 11616 ایکڑ زمین جو ڈی ایچ اے کے حق میں لیز ڈیڈ پردی گئی ہے اس کی ملکیت اور لائسنس کی کوئی قانونی دستاویزات موجود نہیں ہیں۔ اس کے باوجود 2003ء سے لے کر 2007ء تک سب رجسٹرار کیاڑی میاں افسر اور سب رجسٹرارٹی ڈویژن || سکندر علی قریشی نے یہ زمین ڈی ایچ اے کے حق میں لیز ڈیڈ کر کے ان کے حوالے کر دی۔ سندھ حکومت جانب سے تحقیقات کے حکم کے بعد اینٹی کرپشن، اسٹیبلشمنٹ نے مقدمہ 14/2015 دور رجسٹراروں کے خلاف درج کرنے کے بعد تحقیقات شروع کر دی ہیں۔ دو رجسٹراروں کے علاوہ مزید افسران کی گرفتاری متوقع ہے۔ حاصل کردہ معلومات کے مطابق اگست 2007ء میں کراچی پورٹ ٹرسٹ نے 1881 ایکڑ اراضی ڈی ایچ اے کو فروخت کی جبکہ ستمبر 2003ء میں پورٹ قاسم اتھارٹی نے 190 ایکڑ، جولائی 2005ء میں پورٹ قاسم اتھارٹی نے 1600 ایکڑ اور ستمبر 2007ء میں 145 ایکڑ اراضی ڈی ایچ اے کو فروخت کی گئی ہے۔

(ENGLISH TRANSLATION)

IN THE COURT OF HON'BLE JUDGE ANTI CORRUPTION IN KARACHI

No. /AC/ Karachi

- 3 -

Date & time (Year) Year 2003-2007

Date and time of Report	30-3-2015 at 15:10 hrs.
Date and time of Departure from Police Station	
Name & Address of the Complainant	Abdul Jabbar Khan Assistant Director ACE South Zone Karachi (on behalf of State)
Offence under Section	U/s 420/468/471/34 PPC R/W Section 5 (2) Act - II 1947
Distance from Police Station	Distance from Police Station at 4/5 Kilometer Southern Site
If any delay cause of its explanation	No delay
Nam of the I.O	Abdul Jabbar Khan Assistant Director ACE South Zone Karachi (on behalf of State)

Chairman ACC-I South Karachi dated 26-2-2015 as a result of Inquiry Officer 34/2014 of ACE Karachi taken up on receipt of Report from Deputy Commissioner Karachi vide No.DC/South/ARMS/265/2014 dated 18-3-2014 conveyed Deputy Dir./ACE South Zone Karachi vie letter No. DY:D/ACE/Kyc/2015/658 dated 18-3-2015.

4

It is alleged that Sub Registrar Kemari Town and Sub Registrar T-Division-II-A Karachi illegally registered the following leases without any title documents of allotment and cause huge financial loss worth trillions of rupees to the Sindh Government Ex chequer.

S #	Land leased by	Lease deed No. & date	Area
1.	Karachi Port Trust	No.555, dated 2.8.2007	881-00 acres
2.	Port Qasim Authority	No.5949, dated 2.7.2005	600-94 acres
3.	Port Qasim Authority	NO. 5749 dated 24.9.2003	90-00 acres
4.	Port Qasim Authority	No.744, dated 2.9.2007	45-80 acres

During enquiry it has been established from the Article 172 of Constitution of the Islamic Republic of Pakistan read with Section 50 of Sindh Land Revenue Act 1967 and the decision of the Honorable Supreme Court of Pakistan in suo motor case No. 16/2011 and High Court case No. HCA236/2009 and restriction orders issued by the Deputy Commissioner South Karachi vide No.DC(S)648/2013 dated 25.10.2013, Commissioner Karachi vide No. CK/ACR/RB/313/2014, dated 27.5.2014, that Government of Sindh is lawful owner of the unclaimed/abandoned land of sea.

Despite of knowing the facts, the Sub-Registrar Kemari / Clifton Town Karachi had registered illegal lease deeds in respect of above Sindh Government land in favour of Pakistan Defence Officer Housing Authority without any title documents, allotment. For this illegal way Government sustained huge financial losses.

From the documentary evidence brought on record a prima facie case U/S 420/468/471/34 PPC R/W Section 5(2) Act-II 1947 is made out against Iqbal Ahmed Sub Registrar T-Division-II-A, Sikandar Ali Qureshi, Sub Registrar T-Division-II-A and Afsar Mian Sub Registrar Kemari Town and others.

(-ABDUL JABBAR KHAN)
ASSISTANT DIRECTOR
Anti Corruption Establishment
South zone Karachi

Police Proceedings

The compliance of the provision of section 157 Cr.PC are being made by sending copies of FIRs to the Competent Court of law and Higher concerned Authorities. Investigation of the case is in hand of the undersigned.

(-ABDUL JABBAR KHAN)
ASSISTANT DIRECTOR
Anti Corruption Establishment
South zone Karachi

IN THE HON. SUPREME COURT OF PAKISTAN ISLAMABAD
(Original Jurisdiction)

- 5 -

CMA No. /2015
IN
HRC No. 22978-S/2014

Complaint By Syed Adil Gilani, Advisor Transparency International Pakistan
Regarding Illegal Sale of 350 Acres of KPT Land by Sindh Government

APPLICATION FOR PERMISSION TO PLACE ADDITIONAL
DOCUMENTS ON RECORD ON BEHALF OF THE COMPLAINANT

Affidavit of Facts

Syed Raffaqaat Hussain Shah
Advocate on Record
Supreme Court of Pakistan
Islamabad

I, the above named deponent do hereby solemnly affirm and
declare as under:

That the facts contained in the accompanying CMA in
HRC No 22978-S/2014 for permission to place Additional
Documents on behalf of Complainant are true and correct to the best
of my knowledge and belief.

Sworn at Islamabad, this the 13th day of April, 2015.

Deponent

IN THE HON. SUPREME COURT OF PAKISTAN ISLAMABAD
(Original Jurisdiction)

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CMA No. /2015
IN
HRC No. 22978-S/2014

Complaint By Syed Adil Gilani, Advisor Transparency International Pakistan
Regarding Illegal Sale of 350 Acres of KPT Land by Sindh Government

APPLICATION FOR PERMISSION TO PLACE ADDITIONAL
DOCUMENTS ON RECORD ON BEHALF OF THE COMPLAINANT

Affidavit of Facts

Syed Raffaqat Hussain Shah
Advocate on Record
Supreme Court of Pakistan
Islamabad

I, the above named deponent do hereby solemnly affirm and
declare as under:-

That I did serve the notice of filing CMA in
HRC No 22978-S/2014 for Additional Documents on behalf of
Complainant in the Hon. Supreme Court of Pakistan.

Sworn at Islamabad, this the 13th day of April , 2015.

Deponent

IN THE HON. SUPREME COURT OF PAKISTAN ISLAMABAD
(Original Jurisdiction)

- 7 -

CMA No. /2015
IN
HRC No. 22978-S/2014

Complaint By Syed Adil Gilani, Advisor Transparency International Pakistan
Regarding Illegal Sale of 350 Acres of KPT Land by Sindh Government

APPLICATION FOR PERMISSION TO PLACE ADDITIONAL
DOCUMENTS ON RECORD ON BEHALF OF THE COMPLAINANT

Notice

To,

M. S. Khattab AOR
Supreme Court Islamabad

Please take notice that today I have filed CMA in HRC No 22978-S/2014
for Permission to Place Additional Documents on Record on behalf of Complainant
in the Hon. Supreme Court of Pakistan.

(Syed Raffaqat Hussain Shah)
Advocate on Record
Supreme Court of Pakistan
Islamabad

Islamabad: 13 April, 2015

ANNEX-B

IN THE SUPREME COURT OF PAKISTAN
(APPELLATE JURISDICTION)

PRESENT:

MR. JUSTICE NASIR-UL-MULK, HCJ
MR. JUSTICE IJAZ AHMED CHAUDHRY
MR. JUSTICE IQBAL HAMEEDUR RAHMAN

CIVIL PETITION NOs. 322-K & 354-K OF 2013, H.R.C. NO. 22978-S OF 2014, CONSTITUTION PETITION NO. 47 OF 2011, H.R.M.A. NO. 87 OF 2014 IN H.R.C. NO. 22978-S OF 2014 AND CRIMINAL ORIGINAL PETITION NO. 11 OF 2015

S.No.	Petitioner	Respondent	Case No.
1.	M/s Pakistan Services Ltd	Asif Mohamed and other	CP No. 322-K of 2013
2.	M/s Pakistan Services Ltd	Accountability Court No. II Sindh and others	CP No. 354-K of 2013
3.	Application by Syed Adil Gillani, Advisor Transparency International Pakistan		H.R.C. No. 22978-S of 2014
4.	Trustees of Port of Karachi and another	Province of Sindh	Cnst. P. No. 47 of 2011
5.	Application by Syed Adil Gillani, Advisor Transparency International Pakistan		H.R.M.A. No. 87 of 2014 in H.R.C. No. 22978-S of 2014
6.	Trustees of Port of Karachi	Sajjad Hotiana and others	Cr.O.P. No. 11 of 2015

In Attendance:

Mr. Hashmat Ali Habib, ASC a/w applicant in person
(In HRC No. 22978-S/14 & HRMA 87/14)

Mr. Naeem-Ur-Rehman, ASC for Amjad Hussain
(In HRMA No. 162/15)

Mr. Khalid Anwar, Sr.ASC for KPT
Mr. Waqas Qadeer Dar, P.G.NAB
Mr. Saeed-ur-Rehman, Addl. DPG NAB
Mr. Anwar Mansoor Khan, Sr.ASC
Mr. Ahmed Pirzada, Sr.ASC for BOR Sindh
Mr. Rasheed A Rizvi, Sr.ASC for Pakistan Services Ltd
(In HRMA 107/14)

Mr. Khurram Hashmi, ASC

ATTESTED

Superintendent
Supreme Court of Pakistan
Islamabad

Raja Abdul Ghafoor, AOR
(In CMA 1248/15)

For Ptr/Applicants: Mr. Rashid A Rizvi, Sr.ASC
(in CP 322-K/2013)

Mr. Adnan Iqbal Chaudhry, ASC
(in CP 354-K/2013)

Khalid Anwar Sr. ASC
(in Const.P No. 47/2011)

For Respondents: Mr. Sohail Mehmood, DAG
(on Court Notice in Const.P.47/11)

Syed Ahsan Raza, ASC
(For respondent No. 1 in CP 322-K/13 and
for respondent No. 4 in 354 K/13)

Mr. Abdul Hafcez Pirzada Sr.ASC
(in Const.P 47/11)

Mr. Anwar Mansoor Khan, Sr.ASC
Mr. Ahmed Pirzada, Sr.ASC for BOR Sindh
(in CP No. 322 & 354-K/2013)

Mr. Waqas Qadeer Dar P.G.NAB
Mr. Saeed-r-Rehman, Addl. DPG NAB
(in CP No. 322 & 354-K/2013)

Date of Hearing: 17.03.2015

ORDER

There is an application for adjournment on behalf of Mr. Makhdoom Ali Khan, learned senior counsel for the intervenor Associated Builders (Pvt) Limited on the ground that he is on general adjournment till 26.03.2015.

2. Criminal Original Petition No. 11/2015 has been filed by the Trustees of Port of Karachi and another for initiating proceedings of contempt of Court against the respondents Chief Secretary, Government of Sindh and other officials, as it is alleged that in violation of the order passed by this Court to the effect that no allotments shall be made, a number of allotments have already been made, instances whereof have been mentioned in the application. Notice is given to all the respondents, who shall be present in Court on the next date of hearing.

// **ATTESTED**

//
Superintendent
Supreme Court of Pakistan
Islamabad

3. The respondent, Government of Sindh shall file reply to C.M.A. Nos. 549 and 1232 of 2015 in H.R.C. No. 22978-S of 2014 relating to allotment of some other lands situated respectively in Karachi and Hyderabad. Re-list for 14.04.2015.

Sd/- Nasir-ul-Mulk, HCJ
Sd/- Ijaz Ahmed Chaudhry, J
Sd/- Iqbal Hameedur Rahman, J



Certified to be True Copy

[Signature]
Superintendent
Supreme Court of Pakistan
Islamabad

GR No: 4361/15 Civil/C
Date of Presentation: 18-3-15
No. of Words: 92
No. of Follies: 9
Requisition Fee Rs: 6.00
Copy Fee in: 6.00
Court Fee stamps: 1.00
Date of Completion of Copy: 18-3-15
Date of delivery of Copy: 27/3/15
Compared by/Prepared by: [Signature]
Received by: Kamran Advi

Present:

MR. JUSTICE NASIR-UL-MULK
MR. JUSTICE ASIF SAEED KHAN KHOSA.

CONSTITUTION PETITION NO. 47 OF 2011

Trustees of Port of Karachi and another ...Petitioners.

VERSUS

Province of Sindh ...Respondents.

For the Petitioners: Mr. Khalid Anwar, Sr. ASC.

For the Respondents: Mr. Shafi Muhammad Chandio, DAG.
Mr. Qasim Mir Jat, Add. AG, Sindh.
Raja Abdul Ghafoor, AOR.

Date of Hearing: 04.07.2012.

ORDER

There is an application for adjournment on behalf of the learned counsel for the respondent. On the last date of hearing, it was directed that order of status quo shall continue till the next date of hearing. Let it continue till further orders.



Sd/- Nasir ul Mulk
Sd/- Asif Saeed Khan Khosa

Certified to be True Copy

[Signature]
3/11/12
Superintendent
Supreme Court of Pakistan
ISLAMABAD

IN THE SUPREME COURT OF PAKISTAN
(APPELLATE JURISDICTION)

PRESENT

MR. JUSTICE MIAN SHAKIRULLAH JAN
MR. JUSTICE NASIR-UL-MULK
MR. JUSTICE EJAZ AFZAL KHAN

CONSTITUTION PETITION NO. 47 OF 2011

The Trustees of the Port of Karachi & another Petitioners

Versus

Province of Sindh Respondent

For the Petitioners: Mr. Khalid Anwar, Sr. ASC

On Court's Notice: Mr. Qasim Mir Jat, Addl. A. G. Sindh
Raja Hassan Abbas, Chief Secretary, Sindh
Mr. Shahzar Shamoon, Sr. Member, BOR
Raja Abdul Ghafoor, AOR

Date of Hearing: 13.3.2012.

ORDER

In pursuance of this Court's order, the Government of Sindh, through the Additional Advocate General, submitted a written reply which is not comprehensive, rather, it is ambiguous. The Additional Advocate General, Sindh, is directed to submit a detailed reply for which he requests for four week's time as the same will be prepared within three weeks, copy of which shall be given to the learned counsel for the petitioners after three weeks. The same shall also be filed within three weeks in this case. Adjourned to 10.4.2012. The interim relief, already granted, is extended till 10th April, 2012. To be fixed in regular cause list. -

Ben Mir Shakirullah Jan, J
Mr. Nasir-ul-Mulk, J
Mr. Ejaz Afzal Khan, J

Certified to be True Copy

Superintendent
Supreme Court of Pakistan
ISLAMABAD



IN THE SUPREME COURT OF PAKISTAN
(Original Jurisdiction)

PRESENT: Mr. Justice Mian Shakerullah Jan
Mr. Justice Anwar Zaheer Jamali

Const. Petition No.47/2011

The Trustees of the Port of Karachi and another Petitioners

Versus

Province of Sindh, Karachi Respondent

For the Petitioners: Mr. Khalid Anwar, Sr. ASC

On Court's Notice: Mr. Maulvi Anwar-ul-Haq, A.G. for Pakistan

For the Respondent: N.R.

Date of Hearing: 01.03.2012

ORDER

On the last date of hearing notices were issued to the respondent i.e. Province of Sindh through Chief Secretary, Sindh, Attorney General for Pakistan as well as Advocate General, Sindh for today's date. It is very regrettable on the part of the respondent i.e. Province of Sindh through Chief Secretary and Advocate General, Sindh that despite the service of notices none is in attendance and also have not complied with *order* by not filing the concise statement as directed.

2. The needful i.e. filing of concise statement be made before the date fixed. The Chief Secretary, Sindh as well as Advocate General, Sindh are directed to personally appear and to explain the non-compliance and non-representation in the case. Adjourned to 13.3.2012.

3. In the meantime, the interim order passed by this Court on the last date of hearing shall continue till 13th of March, 2012.



Chief Justice Mian Shakerullah Jan
Justice Anwar Zaheer Jamali
Certified to be True Copy
[Signature]
Superintendent
Supreme Court of Pakistan
ISLAMABAD



Charge-sheet filed in 'illegal' land lease case

19 April 2015

KARACHI: The Anti-Corruption Establishment (ACE) submitted on Saturday a charge-sheet in court against a sub-registrar of Clifton Town in a case pertaining to alleged illegal lease of over 1,600 acres of provincial government land to Defence Housing Authority.

The ACE booked Sikandar Ali Qureshi, the then sub-registrar of Clifton Town, and two deceased sub-registrars Iqbal Ahmed and Afsar Main for their alleged involvement in making illegal leases from 2003 to 2007 of over 1,600 acres of unclaimed/abandoned land of sea in favour of the DHA.

The investigating officer, Abdul Jabbar Khan, of the ACE through a prosecutor submitted the interim charge-sheet in the special provincial anti-corruption court.

The IO charge-sheeted Sikandar Qureshi and did not send up the other two nominated officials for trial stating that they had been passed away.

The charge-sheet said that during an inquiry it was established from Article 172 of the Constitution read with Section 50 of the Sindh Land Revenue Act, 1967, as well as the decisions of higher and superior judiciary that the Sindh government was the lawful owner of unclaimed/abandoned land of sea.

Regardless of the fact, it added that the sub-registrars had registered illegal lease deeds in respect of land in question in favour of the DHA without any documentation that caused huge financial lose to the exchequer.

However, public prosecutor Arif Sitai forwarded the interim charge-sheet to court with a scrutiny note which said that apparently the officials of the Karachi Port Trust and the Port Qasim Authority were involved in fraudulent and illegal lease of the Sindh government in the collusion with sub-registrars.

However, the note said that the IO had neither examined the officials of the KPT and the PQA nor made any effort to collect evidence/record against them.

Moreover, the prosecutor questioned the jurisdiction of the ACE and maintained that the KPT and the PQA were under the administrative control of the federal government, thus the Federal Investigation Agency or the National Accountability Bureau had exclusive jurisdiction to investigate the case.

The IO was also required to collect evidence about current status of the land whether any effort was made by the provincial government to cancel the illegal leases, he concluded.

The judge, Gulshan Ara Chandio, fixed the case for April 24 to decide the fate of the interim charge-sheet.

A case was registered under Sections 420 (cheating and dishonestly inducing delivery of property), 468 (forgery for purpose of cheating), 471 (using as genuine a forged document) and 34 (common intention) of the Pakistan Penal Code read with Section 5 (2) of the Prevention of Anti-Corruption Act-II 1947.

Published in Dawn, April 19th, 2015

ANNEX-D

From:

Mr ALLAH BACHAIO M.JAKHRO,
Deputy Secretary to Govt of Sindh,

Land Utilization Department

To:

The Director of Projects,
Government of Pakistan,
Ministry of Political Affairs and Communication,
(Directorate General of Ports & Shipping),
Karachi.

Subject: LAND PROJECTED FOR BUNDAR

Reference: Your Letter No. FB-7/7/73 dated 07-05-1973 on the subject noted above addressed to the Chief Secretary to the Government of Sindh, Karachi

1. The Government of Sindh has agreed to transfer the following state land situated in Deh Dih and 5 other of taluka Karachi at the minimum price of Rs. 5/- per sq yds in favour of Bundar Qasim Authority for the specific purpose cited in the above subject as shown below: -

Ser	Deh	Land available for sale	Rate per Sq Yds	Total Amount
1	Dih	200-00 acres	Rs. 5/-	Rs. 30,99,79,100/-
2	Ibrahim Hyderi	820-00 acres		
3	Nehri	219-03 acres		
4		757-26 acres		
5		2893-01 acres		
6	Pipri	8745-28 acres		
	Total	13,635-20 acres		

2. 1/3rd of the total cost mentioned above will have to be credited immediately before issue of sanction order and the remaining amount will be payable in 4 equal annual installments with simple interest there on.

3. You are, therefore, requested to kindly arrange to credit the amount then regular sanction order alongwith terms and condition will be issued.

4. Meanwhile the Deputy Commissioner, Karachi has been written to ensure that no state land out of the Project area is disposed of or leased out to anybody.

5. As regards Bed of Sea and the fore-shore area upto 50 yards, the Provincial Government has no concern as it is not within its jurisdiction.

6. As regard the area under existing villages, salt work and private land, the Deputy Commissioner, Karachi has reported that the Directorate of Port and Shipping has no intention to acquire the same. Thus the Government of Sindh, has agreed to transfer in principle only purely the aforementioned state land to the Project Authority.

**DEPUTY SECRETARY TO GOVT. OF SINDH,
LAND UTILIZATION DEPARTMENT**

No. 186/73/-8446 P-II

A copy is submitted to the Chief Secretary to the Government of Sindh, Karachi for information.

**DEPUTY SECRETARY TO GOVT. OF SINDH,
LAND UTILIZATION DEPARTMENT**

No. 186/73/-8447 P-II

A copy is forwarded with compliments to the Deputy Commissioner, Karachi for information.

**DEPUTY SECRETARY TO GOVT. OF SINDH,
LAND UTILIZATION DEPARTMENT**

Disc. No. 25239

No. 106/73- 8445 R.II

GOVERNMENT OF SIND,
Land Utilization Department.

Hyderabad, dated 21-9-1973

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From -

Mr. ALLAN BACHAYO H. JAGRO,
Deputy Secretary to Govt of Sind,
Land Utilization Department.

To -

The Director of Projects,
Government of Pakistan,
Ministry of Political Affairs and Communication,
(Directorate General of Ports & Shipping),
Karachi.

Subject: LAND RESERVATIONS FOR HUNTER / WSP.

REFERENCE: Your letter No. FD-1/1/73, dated 7.5.1973, on the subject noted above addressed to the Chief Secretary, to the Government of Sind, Karachi.

MEMORANDUM

The Government of Sind has agreed to transfer the following State land situated in Ceh Dik and 5 others of taluka Karachi at the minimum price of Rs. 5/- per Sq. yard in favour of Sander Cassin authority for the specific purpose cited in the above subject as shown below:-

Ceh.	Land available for sale.	Rate per Sq. Yard.	Total amount.
1. Dik.	203-00 acres.		
2. Ibrahim Hydr.	820-00 acres.		
3. Bahri	212-05 acres.		
4. Ghargharo	757-26 acres.	Rs. 5/-	Rs. 3,78,73100/-
5. Bahran.	2893-01 acres.		
6. Pipri.	8745-28 acres.		
<u>19,635-20 acres.</u>			

2/- 1/3rd of the total cost mentioned above will have to be credited immediately before issue of sanction order and the remaining amount will be payable in 4 equal annual instalments

with 2% simple interest there on

3/- You are, therefore, requested to kindly arrange to credit the amount when regular sanction order alongwith terms and conditions will be issued.

4/- Meanwhile the Deputy Commissioner, Karachi has been written to ensure that no state land out of the Project area is disposed of or leased out to any body.

5/- As regards Bed of Sea and the fore-shore area upto 50 yards the Provincial Government has no concern as it is not within its jurisdiction.

6/- As regards the area under existing villages, salt work and private land, the Deputy Commissioner, Karachi has reported that the Directorate of Port and Shipping has no intention to acquire the same. Thus the Government of Sind, has agreed to transfer in principle only purely the aforementioned state land to the Project Authority.

[Signature]
DEPUTY SECRETARY TO GOVT. OF SIND,
LAND UTILIZATION DEPARTMENT.

No. 186/73-8446 P.J.I. 21/9

A copy is submitted to the Chief Secretary to the Government of Sind, Karachi for information.

[Signature]
DEPUTY SECRETARY TO GOVT. OF SIND,
LAND UTILIZATION DEPARTMENT.

No. 186/73-8447 P-II

A copy is forwarded with compliments to the Deputy Commissioner, Karachi for information.

[Signature]
DEPUTY SECRETARY TO GOVT. OF SIND,
LAND UTILIZATION DEPARTMENT.