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16th April, 2018

Justice (R) Javed Iqbal,
Chairman NAB,
Islamabad.

**Sub: Complaint on the allegations of misuse of authority by NAB officers of delaying
Rs 1,000 Billion reference in case of illegalities in Revenue Record Land given to
Bahria Town.**

Dear Sir,

Transparency International Pakistan has received a complaint on the allegations of misuse of authority by NAB officers of delaying reference in case of illegalities in Revenue Record Land given to Bahria Town.

The complainant has made following allegations.

That,

1. The Supreme Court of Pakistan, in the hearing of C.M.A No.376-K of 2014 in SMC No.16 of 2011, held on 10th March, 2016 & on 24th May 2016, ordered NAB to conduct inquiry against officer/officials of MDA, Revenue Deptt, Govt of Sindh and others in the illegal adjustment/exchange/consolidation of thousands of acres of state land to Bahria Town.
2. The Supreme Court orders to NAB were issued on the basis of reports submitted in the apex court as result of its orders issue on 13th August 2014, in same case, in which the apex court had sought report from Sindh Board of Revenue, Malir Development Authority, District Malir Deputy Commissioner and other respondents in 15 days regarding transferring land of 43 Dehs (villages) in favour of Bahria Town. The apex court ordered the respondents concerned on a petition filed by Mehmood Akhtar Naqvi to comply with the orders in a given deadline. Hearing of the petition was conducted by Justice Amir Hani Muslim, Justice Gulzar Saeed and Justice Athar Saeed at the Karachi Registry of the SCP Wednesday.
3. NAB submitted investigation report in the Supreme Court on 12th October 2016. NAB report's main findings were:

That the management of Bahria Town Pvt Ltd together with its representatives and in connivance with the CM, Sindh, Ex-Minister, Local Govt Deptt/Chairman, MDA, Ex-DG, SBCA, officers of MDA and Revenue officers, district Malir and others hatched a pre-planned conspiracy to usurp more than 7,221 acre of valuable state land situated on main super highway (M-9) without making any due and just payment towards the cost of the state land. This conspiracy was hatched during the period when restraining order dated: 28-11-2012 was imposed by the Hon'ble Supreme Court of Pakistan in suo-moto case no. 16/2011.



That Bahria Town Pvt Ltd, till to date, collected more than Rs. 114 billion, from general public at large, in its 3 bank accounts being maintained in Askari Bank, Meezan Bank and UBL Bank, on account of registration fees/quarterly installments etc.

That Bahria Town Pvt Ltd through its 5 representatives, namely, Waqas Riffat, Waseem Riffat, Muhammad Awais, Shahid Mehmood and Faisal Sarwar managed to purchase around 7,221 acres of private kabuli survey numbers/lands, scattered around in far flung dehs during the period from late December 2013 till February 2015. The management of Bahria Town Pvt Ltd hatched the preplanned conspiracy through which they were not only able to retain the said 7,221 acres in their own names in the record of rights, but were also able to usurp compact piece of valuable state land situated on main super highway (M-9) for the purpose of development of Bahria Town Karachi project.

That the Notification dated: 26-12-2013 was issued against the mandatory provisions of section 10(1) and section 10(2) of Colonization of Govt Lands Act, 1912 and policies framed thereunder. The Ex-Sr Member, Board of Revenue was not competent to issue this Notification under the provisions of section 16(1) of MDA Act, 1993 and amended in 2013. Moreover, the contents of this Notification were also not in conformity with the provisions of section 16(1) of the said Act.

That having said that the said Notification only allowed MDA to conduct physical survey of the 43 dehs for planning purpose through consultants. It did not entitle MDA to have physical possession of state land available in entire 43 dehs of district Malir. Though MDA hired the services of 2x consultants, namely M/s ECIL Pvt Ltd and M/s Logix Pvt Ltd for the preparation of master programme of 43 dehs but till to date MDA has not got any detailed master programme of the entire 43 dehs prepared. Therefore, no master programme was ever submitted to the Government for its approval in lines with mandatory provision of section 16(2) of the said Act.

That foregoing in view, the CM, Sindh should have approved to cancel the said Notification dated: 26-12-2013 vide the "Summary" floated by the former Sr. Member, Board of Revenue on 12-1-2016 but he approved the said summary on 11-4-2016 by directing the Secretary, Local Government Department to issue a corrigendum stating that *the issuing authority may be read as Secretary, Local Government Deptt instead*. It is also established that Secretary, Local Government is also not competent to issue directions to DC, Malir/revenue officers under Sindh Land Revenue Act, 1967. Hence, by not cancelling the said Notification, the CM continued to protect and safeguard the interests of Bahria Town Pvt Ltd vested in Bahria Town Karachi project at the cost of due and just payment for the cost of the valuable state land to be deposited in national kitty.



That the officers of MDA together with Revenue officers, Malir district were not legally and lawfully competent to handover vacant and peaceful physical possession of 7,221 acres out of the 14,617 acres of reserved state land to the said 5 representatives of Bahria Town Pvt Ltd vide series of handing over/taking over certificates.

The said handing over/taking over certificates together with the un-registered special power of attorney have no legal cover as MDA was only competent to consolidate the land by adjusting PLOTS by way of exchange as defined under the provisions of section 2(ff) and section 8(1)(iii-a) of the said Act read with Disposal of Plots Rules 2006 by MDA notified by Local Govt Department notification dated: 30-5-2006. The officers of MDA were not competent to adjust more than 7,221 acres of partially purchased survey numbers scattered around in 43 dehs, by way of exchange and consolidation of the same on compact piece of un-acquired state land. Hence, they committed illegal and unlawful commission of offence of misuse of authority. Moreover, it is also illegal to adjust private kabuli survey numbers with state land as per the provisions of section 10(2) and section 17 of the Colonization of Govt Lands Act, 1912; hence, Revenue officers are also guilty of committing misuse of authority.

The CM, Sindh together with the Ex-Minister, Local Govt Deptt/Chairman, MDA Authority again misused their official functions/authority by processing and approving another Summary floated on 6-1-2015 for the allotment of the said reserved land for MDA. This is for the reasons that it was already in their conscious knowledge since inception that Bahria Town Karachi project is being developed on main super highway partly on the same 14,617 acres of reserved state land. In this regard, reference is made to another Summary for CM, floated by Secretary Local Govt Deptt on 7-1-2014 in which land/route for K-4 project was approved by the CM on 24-10-2014. In this Summary vide para no. 26 on page 6 dated: 23-10-2014, Ex-Minister, Local Govt /Chairman, MDA is confirming to the CM that Bahria Town Karachi is being developed and would be completed soon. Moreover, by approving this Summary, CM also allowed the route of K-4 project to pass through inside the Bahria Town Karachi project before it reaches to the inlands of Karachi.

Foregoing in view, there was no way MDA was going to initiate low cost incremental housing schemes on the same allotted land as per the conditions of the allotment mentioned vide LU letters dated: 31-3-2015. In this way, officers of MDA and Revenue officers, district Malir again misused their official functions/authority by violating the conditions of allotment as mentioned vide series of LU letters dated: 31-3-2015.

The reason re-adjustment/re-exchange/re-consolidation was to pave way for the route of K-4 project passing through and into the periphery of Bahria Town



Karachi project. The total area of K-4 pipelines/route passing through and into Bahria Town Karachi project is 209-30 acres. In this way, water will initially irrigate and hydrate the needs of Bahria Town Karachi project before it reaches its original intended population of Karachi. There is no evidence on record that Bahria Town Pvt Ltd entered into any agreement with Sindh Government for the passage and utilization of water through K-4 project

4. In the Supreme Court hearing held on 13th August 2016, NAB Prosecutor General Waqas Qadeer Dar told the bench that the inquiry has been almost completed but at least four more months are required for file of a reference. PG NAB said we need more time to complete assessment of at least 9000 Dehs and acquire record from different departments,” the Prosecutor General said. Dar said that a Google Earth Map of the allotted land has also been prepared on court’s directives.

However, Justice Amir Hani Muslim said further time could not be granted. He directed the NAB to complete inquiry as soon as possible. The Supreme Court then ordered the National Accountability Bureau (NAB) to complete within 45 days its investigation into alleged illegal allotment of state land to Bahria Town, a leading real estate firm. A two-judge bench comprising Justices Amir Hani Muslim and Khilji Arif Hussain also directed the NAB to file a reference against those involved in the matter before the administrative judge of the accountability courts after completing its investigation.

On 17th November 2016, the Supreme Court on the objections raised by Bahria Town, modified its earlier directive for the National Accountability Bureau (NAB) to submit a reference after completing investigation within 45 days into alleged illegal allotment of state land in Karachi to real estate developer Bahria Town. The two-judge bench consisting of Chief Justice Anwar Zaheer Jamali and Justice Amir Hani Muslim modified the Aug 13 directive with “to act in accordance with law” when senior counsel Barrister Aitzaz Ahsan, appearing on behalf of Bahria Town, contended that the order was not dictated in the open court. And to substantiate his claim, he referred to senior counsel Ali Zafar and Farooq Naek who had also agreed that the order was not dictated in the court.

5. On 27th March 2018, Chairman NAB Justice (R). Javed Iqbal, in the EBM has said that NAB is not only conducting complaint verification, inquiries and investigations of the cases on a scientific basis by ensuring merit and transparency. NAB is also strictly adhering to completing the investigations of cases within the prescribed period of 10 months,”
6. Though 17 months have passed but NAB Karachi has failed to file a reference. NAB, which has announced times and again that a corruption case will be filed within



7. NAB Karachi officers are delaying the reference in this over Rs 1,000 Billion Corruption case, to save 20 accused including Ex Chief Minister Syed Qaim Ali Shah, Sherjeel Inam Memon, Ex-Minister Local Government, Manzoor Kadir Kaka, Ex-DG (BPS-20) SBCA, Javed Hanif, Ex-Secretary (BPS-20), Sec LG, Zain Malik, Director, M/s Bahria Town, Ahmed Ali Riaz, CEO, M/s Bahria Town (Pvt) Ltd, Malik Riaz Hussain, Director Bahria Town (Pvt) Ltd, Bina Riaz, Director Bahria Town (Pvt) Ltd, Mubashira Ahmed, Director, Bahria Town (Pvt) Ltd.. Annex-A.

The allegations have been examined, Transparency International Pakistan has also noted the Supreme Court Order dated 13th August 2016, and modified order dated 17th November 2016, and the statement given by NAB Prosecutor General Waqas Qadeer Dar in the Supreme Court on 13 August 2016, to allow 4 months' time to file reference, which ended on 12 December 2016; Prima facie the delay seems to be a deliberate attempt to save the accused.

The Chairman NAB is requested to review the allegations, which are very serious, as this complaint seems to be non-abidance of your 27 March, 2018 commitment that NAB is also strictly adhering to completing the investigations of cases within the prescribed period of 10 months,"

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

With Regards,


Sohail Muzafar,
Chairman

Copies forwarded for the information and action under their authority to;

1. Secretary to Prime Minister, Islamabad.
2. Registrar, Supreme Court of Pakistan, Islamabad.

ROLE OF THE ACCUSED PERSONS:

a. **Syed Qaim Ali Shah, Chief Minister, Sindh. Politician.**

(1) He in conspiracy with the CEO and Directors of the M/s Bahria Town Pvt Ltd and in collusion with the Ex-Minister, Local Government Department/Chairman MDA Authority and others and in defiance to the restraining orders dated: 28-11-2012 of the Hon'ble Supreme Court of Pakistan, purposefully and deliberately misused his official functions/authority by continuing to allow the illegal and unlawful development of Bahria Town Karachi project on compact piece of valuable state land without any legal and lawful title and without ensuring just and due payment for the cost of the land under the garb of Notification dated: 26-12-2013 which was issued after his own approval vide para no. 17 dated: 5-11-2013 of the "Summary for CM, Sindh" floated by Ex-DG, MDA on 23-7-2013.

(2) During the course of inquiry, it established that the Ex-SMBR after issuing the said Notification dated: 26-12-2013 forwarded the original "summary" along with copy of the Notification for the perusal of the CM. The CM never returned the said summary back to Board of Revenue and it is still with him. Hence, it has been in his conscious knowledge about the contents of the said Notification and the consequential events leading to illegal adjustment/exchange/consolidation of thousands of acres of private survey numbers on valuable state land. NAB Khi, vide letter and repetitive reminders requested him to handover the original summary for the purpose of this inquiry, but the same is still awaited.

(3) Moreover, during the course of inquiry, it also established that Land Utilization Department vide a Notification No. 05-30-2003/SO-V/189 dated: 19-10-2015 cancelled a different Notification issued vide No PS/MBR/LU/08/2014 dated: 9-5-2014 wherein controlled area of 16 dehs of district West were also put under the jurisdiction of Lyari Development Authority (LDA). The grounds for the said cancellation were that the said Notification dated: 9-5-2014 was issued against the mandatory provisions of section 10(1) and 10(2) of Colonization of Govt. Lands Act, 1912 and policy framed thereunder notified on 25-2-2006 and 10-11-2010. Interestingly, this Notification dated: 9-5-2014 was also issued after the approval of the CM, Sindh vide "Summary for CM" floated by Local Govt Department dated: 15-4-2014.

(4) After having learnt the above facts, NAB sent a questionnaire to the CM vide letter No. 231102-Khi/115/IW-2/COC-C/NAB(K)/2016/535 dated: 2-5-2016 regarding his stance on the overall process of illegal adjustment/exchange/consolidation of thousands of acres of state land for the development of Bahria Town Karachi project under the garb of Notification dated: 26-12-2013. It was also communicated to the CM vide the same NAB Letter dated: 2-5-2016 that the Notification dated: 26-12-2013 was also issued against the mandatory provisions of section 10(1) and 10(2) of Colonization of Govt Lands Act, 1912 and policy framed thereunder notified on 25-2-20106 and 10-11-2010. In this regard, he, vide Chief Minister Secretariat's letter No. SO/C-I/CMS/IV(64)-04/2016 dated: 18-5-2016 replied that, inter alia,:

- (a) He did not approve the Summary floated by MDA on 23-7-2013 to adjust/exchange/consolidate area of private survey numbers on compact piece of state land and that the word “adjustment” used in the said summary was for development purpose only and not for any private project.
- (b) However, he agreed that he allowed 25% of market rate for the purpose of low cost incremental housing scheme and that he did not allow MDA/Revenue officers, Malir to violate the conditions of lease as mentioned vide LU Department’s letters dated: 31-3-2015.
- (5) Contrary to his replies, when former Sr. Member, Board of Revenue vide a “Summary for CM” floated on 12-1-2016 sought his approval for cancellation of the said Notification dated 26-12-2013, the CM, instead of discharging his official functions in good faith and in order to protect the interest of the government/public, did not approve the said “Summary” dated: 12-1-2016 for cancellation of Notification dated: 26-12-2013 but directed Local Government Department to issue a corrigendum instead stating that the *“issuing authority may read as Secretary, Local Government Department instead of Board of Revenue.”*
- (6) In compliance, Local Government Department issued a corrigendum dated: 5-5-2016. In view thereof, CM again misused his official functions/authority as Secretary, Local Government Deptt was also not legally and lawfully competent to issue the said corrigendum as the Notification dated: 26-12-2013 also contained instructions for the DC, Malir, inter alia, regarding updating computerized revenue record of rights.

Therefore, how a non-revenue department/officer is legally and lawfully competent to issue directions, under Land Revenue Act, 1967, to revenue officers regarding land revenue related matters, inter alia, including update record of rights.

(7) Moreover, he also approved another “Summary for CM” vide para no. 31 dated: 24-10-14 which was floated by Local Govt Deptt on 7-4-2014 bearing subject “Request for issuance of notification u/s6 for the land required for the right of way for greater Karachi bulk water supply scheme. K-IV” wherein the route of K-4 project was being changed/modified keeping in view the, inter alia, development of Bahria Town Karachi project on main super highway. The matter of development of Bahria Town on main super highway was disclosed by the Ex-Minister. Local Govt Deptt (Sharjeel Inam Memon) vide para no. 26 dated: 23-10-2014 vide the same summary. Moreover, the matter of illegal and unlawful development of “Bahria Town Project” Karachi was also in his conscious knowledge after an article on the matter was published in Daily Dawn newspaper on 18-4-2016. It may be emphasized that NAB sent the questionnaire to the CM much after the said article was published. Hence, the matter of commission of offence(s) of misuse of authority by revenue officers, Malir and officers of MDA and others was not unfamiliar to him.

(8) Hence, the element of mensria is established on his part as he purposefully and with conscious knowledge failed to discharge his functions/authority in good faith to protect the interests of government and national exchequer by not cancelling the Notification dated: 26-12-2013

only to protect the interest of CEO and Directors of Bahria Town Pvt Ltd in the illegal and unlawful development of Bahria Town Karachi project on valuable state land without any legal and lawful title of the land and without ensuring that just and due payment for the cost of the said state land is received in national kitty.

b. **Sherjeel Inam Memon, Ex-Minister Local Government, PHE, Rural Development & HTP Deptt, Government of Sindh and Chairman of MDA Authority (Politician). Now absconding.**

(1) He, being a public representative in the Provincial Assembly Sindh, Minister for Local Government Department & Chairman, MDA Authority and in collusion with the CM, Sindh and with the accused officers / officials of MDA, Revenue Department, Malir and in the abetment and in the conspiracy with the accused CEO and Directors of Bahria Town Pvt Ltd and in defiance to the orders dated: 28-11-2012 in suo-moto case no. 16/2011 passed by the Hon'ble Supreme Court of Pakistan, consciously, knowingly and purposefully misused his official functions/authority by abetting, aiding and facilitating in the illegal and unlawful development of Bahria Town Karachi project, in violation of mandatory provisions of laws/rules as re-produced separately, on valuable state land situated on main super highway (M-9) without any legal and lawful title and without just and due payment for the cost of the land to national exchequer.

(2) Moreover, it was also in his conscious knowledge that Bahria Town Karachi is being developed illegally and unlawfully on main super highway (M-9) vide his comments at para no. 26 dated: 23-10-2014 of the summary

floated by Local Govt Deptt on 7-4-2014 bearing subject “Request for issuance of notification u/s6 for the land required for the right of way for greater Karachi bulk water supply scheme. K-IV” wherein the route of K-4 project was being changed/modified keeping in view the, inter alia, development of Bahria Town Karachi project on main super highway. At that time, the land on which Bahria Town was being developed was still a state land and part of it was only kept reserved in favor of MDA for public purpose

(3) More specifically, but not limited to the following, he misused his official functions/authority by:

(a) Giving illegal and unlawful approval for notifying, inter alia, “regulations regarding consolidation/adjustment/exchange of private kabuli survey lands & state lands allotted by Board of Revenue etc” through Local Government Department without seeking permission/approval from the CM, Sindh in violation of section 49 (Power to make regulation) of the MDA Act, 1993. After, the gazette Notification dated: 2-1-2014, MDA, in collusion with the Ex-DC, Malir and concerned Mukhtiarkars of Taluka Gadap, Shah Mureed, Murad Memon and Bin Qasim and in the abetment and in the conspiracy with the accused management of BTPL carried out illegal and unlawful adjustment of more 7,221 acres of private kabuli survey numbers/lands by way of exchange and illegally and unlawfully consolidated the same on compact piece of valuable state land situated on main super highway (M-9) without legal and lawful title of the land and without ensuring that due and just payment for the cost of the land was paid to national kitty.

(b) Giving illegal approval to item no. 1, i.e., “approval of master programme scheme 1 (phase 1-comprises of 32 dehs out of 43x dehs) and preparation of PC-1 of scheme or schemes for execution of master programme” vide minutes of the 1st meeting of MDA held on 24-1-2014 under his own chairmanship. He in collusion with the accused officers/officials of MDA misused his official functions/authority by violating section 16(2) of MDA Act 1993 by illegally and unlawfully approving a “preliminary concept master programme of 32x dehs” which was prepared within a month after issuance of Notification dated: 26-12-2013. However, in actual MDA was supposed to get the Master Programme of entire 43x dehs prepared in all respect and submitted to Government of Sindh i.e, CM for approval or otherwise as per provision of section 16(2) of MDA Act, 1993 and amended in 2013.

(c) Giving illegal approval to item no. 2, i.e., “permission for consolidation/exchange/adjustment of kabuli land/state land to prepare master programme declared as controlled area of MDA for public purpose in accordance with rules/regulations of MDA” vide minutes of 1st meeting of the Authority held on 24-1-2014 under his own chairmanship by not submitting the matter of consolidation/exchange/adjustment to the CM, Sindh for approval. In this regard, it may be observed on page of the said minutes where he purposefully and deliberately struck off the proposal to refer the matter to CM for approval and signed thereunder.

(d) Issuing illegal and unlawful notification No. Sectt/Estt/MDA/2014/119 dated 28-1-2014 whereby “preliminary concept master programme of 32 dehs dated January, 2014” was sanctioned by him as “development scheme-I” for the purpose of illegal adjustment / exchange / consolidation of thousands of acres of private survey land on compact piece of state land. He issued the said illegal and unlawful notification to give a false impression that the Master Programme of 43x dehs was already prepared in detail and was also approved by the government as per the provisions of section 16(2) of MDA Act 1993 amended in 2013. He, being the public representative, Minister to the Government of Sindh for Local Government Department and Chairman of the MDA Authority, again misused his authority by giving illegal and unlawful directions to the Inspector General of Registration, under CC, to bound down the sub-Registrars to follow directions while executing the documents

(e) Giving illegal and unlawful approval to the 1st layout plan for Bahria Town Karachi Project to be developed on an area of 1330.34 acres on valuable State Land situated on main super highway (M-9) vide Note Sheet dated: 20-3-2013. He gave this illegal and unlawful approval despite the conscious knowledge that the special power of attorney between Bahria Town Pvt Ltd, through Zain Malik, Director, Bahria Town Pvt Ltd and the above mentioned representatives of Bahria Town was an unregistered document. Moreover, he also gave this illegal and unlawful approval with conscious knowledge that the land in question is

a State Land and neither MDA nor BTPL owned or possessed any legal and lawful title of the land

(f) Giving illegal and unlawful approval to the 2nd and 3rd layout plans for Bahria Town Karachi project to be developed on 4696.685 acres and 6229.725 acres, respectively in continuation to his previous illegal and unlawful approval to the 1st layout plan as mentioned above.

(g) Giving illegal and unlawful approval to item no. 1, i.e., “Payments of price fixed by the government of Sindh in favor of MDA Land, grant of 14,617 acres, recovery of land cost, consume and utilize for the public purpose” vide minutes of the 3rd meeting of the Authority held on 20-2-2015 under his own chairmanship. This item clearly states that MDA and Revenue Authorities, Malir have adjusted/exchanged/consolidated private kabuli lands on state land and MDA may be allowed to recover the price of the land from the beneficiaries, i.e., Bahria Town Pvt Ltd. Hence, he with conscious knowledge that no approval from the government was sought for allowing BTPL to develop BTK on state land legally, he approved this item so price of the land could then be recovered for making payment to Land Utilization Department for the grant of the land.

c. **Manzoor Kadir Kaka, Ex-DG (BPS-20) Sindh Building Control Authority, Govt. of Sindh. Now absconding.**

(1) He being Director General, Sindh Building Control Authority (SBCA) and in the abetment and in the conspiracy with the accused CEO and Directors M/s Bahria Town Pvt Ltd (BTPL) misused his official functions/authority by

passing orders in violation to the relevant provisions of the Sindh Building Control Ordinance 1979 so as to abet, aide and facilitate BTPL in the illegal and unlawful media campaign regarding the registration, booking and launch of Bahria Town Karachi (BTK) project on valuable state land situated on main super highway (M-9) without having any legal and lawful title of the land and without any payment made to the national exchequer for the due and just cost of the land.

(2) He also misused his official functions/authority by illegally and unlawfully allowing BTPL to use reference of a bogus letter without mentioning its date of issue purportedly issued by SBCA vide print advertisement dated: January 2014 wherein general public at large was being asked to deposit Rs. 15,000 per applicant in any of 3x BTPL bank accounts to be eligible for booking of plots at the time of launch of the project

(3) He again misused his official functions/authority by issuing the 1st NOC and approval for booking of plots in Bahria Town Karachi project on incomplete, fake and fabricated documents, e.g. inter alia, on the basis of an unregistered special power of Attorney

d. **Javed Hanif, Ex-Secretary (BPS-20), Local Government Department and later Land Utilization Department, Govt of Sindh. Now retired.**

(1) There are documentary evidence that establish that when the CM approved the 1st "Summary for CM" on 5-11-2013, he forwarded the same summary (in original) along with draft of the "notification" vide Local Govt letter dated: 24-12-2013 to the Ex-SMBR for its issuance under his own signature and seal. He also signed the said "summary" on 24-12-2013.

Hence, the contents of the Notification dated: 26-12-2013 were in his knowledge.

(2) Later, he, being Secretary, Local Govt. also initiated the “Summary for CM” on 21-1-2014 at the request of MDA (vide MDA letter dated: 1-1-2014) for reservation of available state land in favor of MDA. It has been observed that the said MDA letter also give reference to the Notification dated; 26-12-2013. He also attended the Facilitation Committee headed by Ex-CS on 23-1-2014 in which 14,617 acres of state land was allowed to be reserved in favor of MDA. It has also been observed that by 23-1-2014, the officers of MDA together with Ex-DC Malir had already started the process for adjustment/exchange/consolidation as per PUBLIC NOTICES duly published in leading newspapers. Hence, he, being Secretary, Local Govt Department, facilitated the process of illegal and unlawful adjustment/exchange/consolidation on valuable state land.

(3) Furthermore, he, being Secretary Land Utilization Department misused his official functions/authority by not exposing the fact that MDA and Revenue Authorities, Malir have already utilized the reserved state land for the illegal and unlawful purpose of adjustment/exchange/consolidation without legal and lawful title of the land and without making any just and due payment for the cost of the land. This fact was brought to his attention when MDA vide letter dated: 22-9-2014 wrote to him (Secretary LU) that MDA has already utilized the reserved state land for the purpose of adjustment/exchange/consolidation

(4) Furthermore, he did not mention specifically to the CM vide his comments dated: 23-1-2015 in the Summary for CM floated by Local Govt Deptt that the reserved land was no more in possession of MDA therefore allotment of 11,068 acres of state land to MDA on 25% market price was not legal and lawful either

(5) It was in his conscious knowledge that MDA was not going to launch any low cost incremental housing schemes on the reserved state land therefore, allotment of 11,068 acres of state land to MDA was not legal and lawful but was to give undue and unjust legal cover to the illegal and unlawful adjustment/exchange/consolidation on compact piece of reserved state land.

e. **Kazi Jan Muhammad, Ex-Deputy Commissioner (BPS-19), district Malir. Now retired.**

(1) He, being Deputy Commissioner, district Malir, in connivance with the accused officers/officials of MDA, the Mukhtiarkars working under his direct command and in the abetment and in the conspiracy with the accused CEO and Directors of M/s Bahria Town Pvt Ltd (BTPL) misused his official functions/authority by violating relevant provisions of the Colonization of Government Lands Act, 1912 including section 10(2) and section 17 and conditions of lease/reservations issued by LU Department vide dated 31-3-2015 and 24-1-2014, respectively and by not protecting the interests of the government vested in state land which he illegally and unlawfully and in connivance with the accused officers/officials of MDA and Mukhtiarkars handed over to the representatives of BTPL for the

purpose of development of BTK. By doing so, he also acted in defiance to the restraining order dated: 28-11-2012 passed by the Hon'ble Supreme Court of Pakistan in suo-moto case no. 16/2011. More specifically, but not limited to the following, he misused his official functions/authority by:

- (a) Violating the provisions of section 10(2) and section 17 of the Colonization of Govt Lands Act, 1912 by forwarding more than 550 revenue entries consisting of around 7,221 acres of private kabuli landholdings to MDA for illegal adjustment/exchange/consolidation on state land. He signed the unapproved concept master programme in January 2014 to further the cause of illegal adjustment/exchange/consolidation of 7,221 acres on state land without any legal and lawful title of the land and without any just and due payment for the cost of the land

- (b) Accepting / confirming the illegal adjustment/exchange/consolidation of more than 7,221 acres of jointly shared private kabuli survey numbers/lands on compact piece of state land in violation of relevant provisions of Colonization of Govt. Lands Act, 1912, especially section 10(2) and section 17 and in defiance to the restraining order dated: 28-11-2012 passed by the Hon'ble Supreme Court of Pakistan

- (c) Approving the note sheets whereby the concerned Mukhtiarkars were allowed to confirm/accept the said consolidation by inserting NOTES at the end of each revenue entry without ensuring that the state land was being consolidated in haste and against the law/rules

- (d) Not protecting and not safeguarding government interest vested in the instant state land as he, in connivance with the accused officers/officials of MDA and Mukhtiarkars concerned and in the abetment and in the conspiracy with the CEO and Directors of BTPL caused loss to national exchequer as the due and just payment for the cost of the same state land, on which a high class residential and commercial housing project is being developed, was not paid to the government as per law.
- (e) Allowing development/construction of a high class private residential/commercial project on state land. He also failed to comply with the conditions of lease/reservations communicated to him vide Land Utilization Department letter dated: 31-3-2015 and 24-1-2014, respectively
- (f) Giving illegal directions to the concerned Mukhtiarkars to illegally handover, together with the officers/officials of MDA, the vacant and peaceful physical possession of the valuable state land situated on main super highway(M-9) in lieu of partially purchased private kabuli survey numbers/lands falling in far flung dehs having no economic or monetary benefit to the government without taking over the vacant and peaceful physical possession of the left over private kabuli survey numbers/lands
- (g) Forwarding the title documents of the representatives of BTPL to Ex-DG, MDA for the purpose of seeking illegal and unlawful approval to

the layout plans of Bahria Town Karachi project on the same valuable state land

f. **Sohail Ahmed Memon. Mukhtiarkar (BPS-16) Taluka Gadap, district Malir, Government of Sindh.**

(1) He, being Mukhtiarkar, Taluka Gadap, district Malir, in connivance with Ex-DC, Malir and accused officers/officials of MDA misused his authority by violating relevant provisions of the Colonization of Government Lands Act, 1912 including section 10(2) and section 17 and conditions of lease/reservations issued by LU Department vide dated 31-3-2015 and 24-1-2014 and by not protecting the interests of the government vested in state land which he deliberately and purposefully and in connivance with his Ex-DC, Malir and the accused officers/officials of MDA handed over to the management of BTPL for the purpose of development of BTK. By doing so, he also acted in defiance to the restraining order dated: 28-11-2012 passed by the Hon'ble Supreme Court of Pakistan in suo-moto case no. 16/2011. More specifically, but not limited to the following, he misused his authority by:

(a) Inserting the following survey numbers in the record of rights consisting of illegally and unlawfully enhanced area in acres:

Sr. No.	Deh	Survey Nos. used.	Actual area in acre as per Survey record	Forwarded area in acres inserted in the revenue record of rights	Illegal and unlawful increased area in acres
1	Shahi Chip, Taluka Gadap	245, 246, 249, 284, 288, 289, 290, 285, 294, 291	14-23	16-37-61	2-14-61
2	Kund, Taluka Gadap	13, 40	4-38	19-13	14-15
3	-do-	55, 67	8-30	13-30	5-00
4	Khar, Taluka Gadap	45	18-22	20-00	1-18
Total illegally and unlawfully increased area in acres					23-6-61

(b) Following illegal directions received from Ex-DC Malir to illegally handover, together with the officers/officials of MDA, the vacant and peaceful physical possession of the valuable state land situated on main super highway(M-9), in lieu of partially purchased private kabuli survey numbers/lands falling in far flung dehs having no economic or monetary benefit to the government and without taking over the vacant and peaceful physical possession of the left over private kabuli survey numbers/lands .

(c) Violating section 10(2) and section 17 of the Colonization of Govt Lands Act 1912 by forwarding around 483 revenue entries consisting of thousands of acres of jointly shared private kabuli survey numbers/lands to Ex-DC, Malir for onward transmission to MDA for illegal and unlawful adjustment/exchange/consolidation on state land. He signed the unapproved concept master programme in January

2014 to further the cause of illegal adjustment/exchange/consolidation of 7,220 acres on state land without any legal and lawful title of the land

- (d) Processing and managing the illegal adjustment/exchange/consolidation of thousands of acres of jointly shared private kabuli survey numbers/lands, as accepted and confirmed by his Ex-DC, Malir, on compact piece of state land in violation of relevant provisions of Colonization of Govt. Lands Act, 1912, especially section 10(2) and section 17 and in defiance to the restraining order dated: 28-11-2012 passed by the Hon'ble Supreme Court of Pakistan
- (e) Inserting NOTES at the end of each revenue entry, after receiving approval from Ex-AC, Gadap / Ex-DC, Malir to further the offence of illegal and unlawful adjustment/exchange/consolidation without ensuring that the state land was being consolidated in haste and against the law/rules
- (f) Not protecting and not safeguarding government interest vested in the instant state land as he, in connivance with his Ex-DC, Malir and the accused officers/officials of MDA caused loss to national exchequer as the payment for the cost of the same state land, on which a high class residential and commercial housing project is being developed, was not paid to the government as per law.

(g) Allowing development/construction of a high class private residential/commercial project on state. He also failed to comply with the conditions of lease/reservations communicated to him vide Land Utilization Department letter nos. 31-3-2015 and 24-1-2014, respectively

d. **Tufail Ahmed Khaskheli, Mukhtiarkar, (BPS-16), Taluka Murad Memon, district Malir, Government of Sindh**

(1) He, being Mukhtiarkar, Taluka Murad Memon, district Malir, in connivance with Ex-DC, Malir and accused officers/officials of MDA misused his authority by violating relevant provisions of the Colonization of Government Lands Act, 1912 including section 10(2) and section 17 and conditions of lease/reservation issued by LU Department vide dated 31-3-2015 and 24-1-2014, respectively and by not protecting the interests of the government vested in state land which he deliberately and purposefully and in connivance with Ex-DC, Malir and the accused officers/officials of MDA handed over to the management of BTPL for the purpose of development of BTK. By doing so, he also acted in defiance to the restraining order dated: 28-11-2012 passed by the Hon'ble Supreme Court of Pakistan in suo-moto case no. 16/2011. More specifically, but not limited to the following, he misused his authority by:

(a) Following the illegal directions received from Ex-DC Malir to illegally handover, together with the officers/officials of MDA, the vacant and peaceful physical possession of the valuable state land situated on main super highway(M-9), in lieu of partially purchased private kabuli

survey numbers/lands falling in far flung dehs having no economic or monetary benefit to the government and without taking over the vacant and peaceful physical possession of the left over private kabuli survey numbers/lands

(b) Violating section 10(2) and section 17 of the Colonization of Govt Lands Act 1912 by forwarding more than 63 revenue entries consisting of thousands acres of jointly shared private kabuli survey numbers/lands to Ex-DC, Malir for onward transmission to MDA for illegal and unlawful adjustment/exchange/consolidation on the same state land. He signed the unapproved concept master programme in January 2014 to further the cause of illegal adjustment/exchange/consolidation of 7,221 acres on state land without any legal and lawful title of the land and without the due and just payment for the cost of the same state land.

(c) Processing and managing the illegal adjustment/exchange/consolidation of thousands of acres of jointly shared private kabuli survey numbers/lands, as accepted and confirmed by Ex-DC, Malir, on compact piece of state land in violation of relevant provisions of Colonization of Govt. Lands Act, 1912, especially section 10(2) and section 17 and in defiance to the restraining order dated: 28-11-2012 passed by the Hon'ble Supreme Court of Pakistan

(d) Inserting NOTES at the end of each revenue entry, after receiving approval from Ex-AC, Gadap / Ex-DC, Malir to further the offence of

illegal and unlawful adjustment/exchange/consolidation without ensuring that the state land was being consolidated in haste and against the law..

(e) Not protecting and not safeguarding government interest vested in the instant state land as he, in connivance with Ex-DC, Malir and the accused officers/officials of MDA caused loss to national exchequer as the price of the same state land, on which a high class residential and commercial housing project is being developed, was not paid to the government as per law.

(f) Allowing development/construction of a high class private residential/commercial project on state. He also failed to comply with the conditions of lease/reservations communicated to him vide Land Utilization Department letter nos. 31-3-2015 and 24-1-2014, respectively.

e. **Mir Muhammad Garho, Ex-Mukhtiarkar, (BPS-16) Taluka Shah Mureed, district Malir, Government of Sindh**

(1) He, being Mukhtiarkar, Taluka Shah Mureed, district Malir, in connivance with Ex-DC, Malir and accused officers/officials of MDA misused his authority by violating relevant provisions of the Colonization of Government Lands Act, 1912 including section 10(2) and section 17 and conditions of lease/reservation issued by LU Department vide dated 31-3-2015 and 24-1-2014, respectively and by not protecting the interests of the government vested in state land which he deliberately and purposefully and in connivance with Ex-DC, Malir and the accused officers/officials of

MDA handed over to the management of BTPL for the purpose of development of BTK. By doing so, he also acted in defiance to the restraining order dated: 28-11-2012 passed by the Hon'ble Supreme Court of Pakistan in suo-moto case no. 16/2011. More specifically, but not limited to the following, he misused his authority by:

(a) Inserting the following survey numbers in the record of rights consisting of illegally and unlawfully enhanced area in acres:

Sr. No.	Deh	Survey Nos. used.	Actual area in acre as per Survey record	Forwarded area in acres inserted in the revenue record of rights	Illegal and unlawful increased area in acres
1	Mandro, Taluka Shah Mureed	36, 37, 39, 42, 43, 45, 47, 49, 50 and 53	67-17	68-30-119	1-13-119
				Total illegally and unlawfully increased area in acres	1-13-119

(b) Inserting revenue entry no. 61 dated: 1-1-2014 for survey nos. 109, 112, 249 and 250 (**7-02 acres**) in the record of rights on the basis of previous entry no. 1032 dated: 24-6-1981 mutated through a fake and bogus registered document no., i.e., 452 dated: 15-11-1978

(c) Inserting revenue entry no. 68 dated: 11-2-2014 and no. 69 dated: 11-2-2014 bearing survey nos. 391, 392 and 356, 364 for the area of 20-8 acres and 50-18 acres, respectively, (**total = 70-26 acres**) in the record of rights despite the fact that these survey numbers had already been utilized for the purpose of development of a housing society, namely Sanobar Garden Phase II by Al-Asr Builders

- (d) Following illegal directions received from Ex-DC Malir to illegally handover, together with the officers/officials of MDA, the vacant and peaceful physical possession of the valuable state land situated on main super highway(M-9), in lieu of partially purchased private kabuli survey numbers/lands falling in far flung dehs having no economic or monetary benefit to the government, without taking over the vacant and peaceful physical possession of the left over private kabuli survey numbers/lands.
- (e) Violating section 10(2) and section 17 of the Colonization of Govt Lands Act 1912 by forwarding around 132 revenue entries consisting of thousands of acres of jointly shared private kabuli survey numbers/lands to Ex-DC, Malir for onward transmission to MDA for illegal adjustment/exchange/consolidation on state land. He signed the unapproved concept master programme in January 2014 to further the cause of illegal adjustment/exchange/consolidation of thousands of acres on state land without any legal and lawful title of the land.
- (f) Processing and managing the illegal adjustment/exchange/consolidation of more thousands of acres of jointly shared private kabuli survey numbers/lands, as accepted and confirmed by Ex-DC, Malir, on compact piece of state land in violation of relevant provisions of Colonization of Govt. Lands Act, 1912, especially section 10(2) and section 17 and in defiance to the restraining order dated: 28-11-2012 passed by the Hon'ble Supreme Court of Pakistan

(g) Inserting NOTES at the end of each revenue entry, after receiving approval from Ex-AC, Gadap / Ex-DC, Malir to further the offence of illegal adjustment/exchange/consolidation without ensuring that the state land was being consolidated in haste and against the law/rules

(h) Not protecting and not safeguarding government interest vested in the instant state land as he, in connivance with Ex-DC, Malir and the accused officers/officials of MDA caused loss to national exchequer as the price of the same state land, on which a high class residential and commercial housing project is being developed, was not paid to the government as per law.

(i) Allowing development/construction of a high class private residential/commercial project on state. He also failed to comply with the conditions of lease/reservations communicated to him vide Land Utilization Department letter nos. 31-3-2015 and 24-1-2014, respectively

f. **Shakeel Ahmed Rana, Ex-Mukhtiarkar, Taluka Bin Qasim district Malir, Government of Sindh. Now repatriated to his original department S&GAB as Assistant (BPS-14)**

(1) He, being Mukhtiarkar, Taluka Bin Qasim, district Malir, in connivance with Ex-DC, Malir and accused officers/officials of MDA misused his authority by violating relevant provisions of the Colonization of Government Lands Act, 1912 including section 10(2) and section 17 and conditions of lease/reservation issued by LU Department vide dated 31-3-2015 and 24-

1-2014, respectively and by not protecting the interests of the government vested in state land which he deliberately and purposefully and in connivance with Ex-DC, Malir and the accused officers/officials of MDA handed over to the management of BTPL for the purpose of development of BTK. By doing so, he also acted in defiance to the restraining order dated: 28-11-2012 passed by the Hon'ble Supreme Court of Pakistan in suo-moto case no. 16/2011. More specifically, but not limited to the following, he misused his authority by:

(a) Inserting revenue entry no. 71 dated: 28-2-2014 bearing survey no. 50 and 51 for the area of **23-9-60 acres**, deh Koteiro on the basis of a fake and bogus general power of attorney purportedly issued by Sub Registrar T Div XI vide registered no. 398 dated 9-5-1991 in its previous entry.

(b) Following illegal directions received from Ex-DC Malir to illegally handover, together with the officers/officials of MDA, the vacant and peaceful physical possession of the precious state land situated on main super highway(M-9), in lieu of partially purchased private kabuli survey numbers/lands falling in far flung dehs having no economic or monetary benefit to the government, without taking over the vacant and peaceful physical possession of the left over private kabuli survey numbers/lands.

(c) Violating section 10(2) and section 17 of the Colonization of Govt Lands Act 1912 by forwarding around 46 revenue entries consisting of thousands of acres of jointly shared private kabuli survey

numbers/lands to Ex-DC, Malir for onward transmission to MDA for illegal adjustment/exchange/consolidation on state land. He signed the unapproved concept master programme in January 2014 to further the cause of illegal adjustment/exchange/consolidation of 7,221 acres on state land without any legal and lawful title of the land

- (d) Processing and managing the illegal adjustment/exchange/consolidation of thousands of acres of jointly shared private kabuli survey numbers/lands, as accepted and confirmed by Ex-DC, Malir, on compact piece of state land in violation of relevant provisions of Colonization of Govt. Lands Act, 1912, especially section 10(2) and section 17 and in defiance to the restraining order dated: 28-11-2012 passed by the Hon'ble Supreme Court of Pakistan
- (e) Inserting NOTES at the end of each revenue entry, after receiving approval from Ex-DC, Malir to further the offence of illegal adjustment/exchange/consolidation without ensuring that the state land was being consolidated in haste and against the law/rules
- (f) Not protecting and not safeguarding government interest vested in the instant state land as he, in connivance with Ex-DC, Malir and the accused officers/officials of MDA caused loss to national exchequer as the price of the same state land, on which a high class residential and commercial housing project is being developed, was not paid to the government as per law.

(g) Allowing development/construction of a high class private residential/commercial project on state. He also failed to comply with the conditions of lease/reservations communicated to him vide Land Utilization Department letter dated: 31-3-2015 and 24-1-2014, respectively.

g. **Muhammad Sohail, Ex-DG, MDA, (BPS-20), Government of Sindh. Now Director (Land & Administration), MDA, Government of Sindh**

(1) He being Ex-DG, MDA in connivance with Ex-Minister, Local Government/Chairman MDA Authority, Ex-Director (Estate & Enforcement), MDA, Ex-Director (Town Planning), MDA, Ex-DC, Malir, and in the abetment and in the conspiracy with the accused CEO and Directors of BTPL misused his authority by giving illegal and unlawful approval to adjusting more than 7,221 acres of partially purchased private kabuli survey numbers/lands, situated in far flung dehs, by way of exchange and consolidating the same on compact piece of valuable state land against the law/rules to favor the management of BTPL for the illegal and unlawful development of BTK project. By doing so, he also acted in defiance to the restraining order dated: 28-11-2012 passed by the Hon'ble Supreme Court of Pakistan in suo-moto case no. 16/2011. More specifically, but not limited to the following, he misused his authority by:

(a) Following illegal directions/approvals given by the Ex-Minister, Local Government Department/Chairman MDA Authority with respect to violation of section 16(2) of MDA Act, 1993 and adjustment/exchange/consolidation of partially purchased private kabuli

survey numbers/lands, situated in far flung dehs, on compact piece of state land in violation of the law/rules.

- (b) Publishing illegal “Public Notice – Key notified areas of MDA” vide dated: 27-12-2013 asking general public at large for submitting the title documents to MDA through DC Malir for adjustment/exchange/consolidation of their lands as per the “approved” master programme especially when no such master programme was neither prepared by MDA nor approved by the government as per section 16(2) of MDA Act, 1993
- (c) Approving illegal adjustment/exchange/consolidation of more than 7,221 acres of jointly shared private kabuli survey numbers/lands, forwarded by Ex-DC, Malir, on compact piece of state land in violation of section 2(ff) and 8(1)(iii-a) of the MDA (Revival & Amending) Act, 2013 read with Rule No. 2 of Disposal of Plots Rules 2006 by MDA
- (d) Giving illegal direction to the concerned Director (E&E) and Director (TP) MDA, together with the Ex-DC, Malir, regarding illegal and unlawful handover of the vacant and peaceful physical possession of the valuable state land situated on main super highway(M-9), in lieu of partially purchased private kabuli survey numbers/lands falling in far flung dehs having no economic or monetary benefit to the government, without taking over the vacant and peaceful physical possession of the left over private kabuli survey numbers/lands.

- (e) Processing and managing to get illegal and unlawful 1st approval from the Ex-Minister, LG Deptt/Chairman, MDA for the layout plan of Bahria Town Karachi project on the basis of unregistered special power of attorney on valuable state land and without any legal and lawful title of the land. Similarly, he is also guilty of processing and managing to get 2nd and 3rd layout plans approved on valuable state land without legal and lawful title of the land in favor of Bahria Town Pvt Ltd
- (f) Allowing development/construction of a high class private residential/commercial project on state falling within the controlled areas of MDA. He also failed to comply with the conditions of lease/reservations vide Land Utilization Department letter dated: 31-3-2015 and 24-1-2014, respectively.
- (g) Illegal consolidation of 21-16 acres from deh Joreji as this deh was not notified as controlled area of MDA.

h. Ziauddin Sabir, Ex-Director (Estate & Enforcement), (BPS-19) MDA, Government of Sindh. Now repatriated to KMC.

- (1) He being Ex-Director, (Estate & Enforcement) MDA in connivance with Ex-Minister, Local Government/Chairman MDA Authority, Ex-DG, MDA, Ex-Director (Town Planning), MDA, Ex-DC, Malir, and in the abetment and in the conspiracy with the accused CEO and Directors of BTPL misused his authority by aiding, abetting and facilitating in illegal and unlawful adjustment more than 7,221 acres of partially purchased private kabuli survey numbers/lands, situated in far flung dehs, by way of exchange and consolidation of the same on compact piece of state land against the

law/rules to favor the management of BTPL for the illegal and unlawful development of BTK project. By doing so, he also acted in defiance to the restraining order dated: 28-11-2012 passed by the Hon'ble Supreme Court of Pakistan in suo-moto case no. 16/2011. More specifically, but not limited to the following, he misused his authority by:

- (a) Following illegal directions/approvals given by the Ex-Minister, Local Government Department/Chairman MDA Authority with respect to violation of section 16(2) of MDA Act, 1993 and adjustment/exchange/consolidation of partially purchased private kabuli survey numbers/lands, situated in far flung dehs, on compact piece of state land in violation of the law/rules.
- (b) Processing and managing illegal adjustment/exchange/consolidation of approx 7,221 acres of jointly shared private kabuli survey numbers/lands, forwarded by Ex-DC, Malir, on compact piece of state land in violation of section 2(ff) and 8(1)(iii-a) of the MDA (Revival & Amending) Act, 2013 read with Rule No. 2 of Disposal of Plots Rules 2006 by MDA
- (c) Purposefully and consciously failed to protect and safeguard the interest vested in the state land and without ensuring payment of the state land to national exchequer.
- (d) Processing and managing illegal handover, together with the Ex-DC, the vacant and peaceful physical possession of the precious state land situated on main super highway(M-9), in lieu of partially purchased private kabuli survey numbers/lands falling in far flung dehs having no

economic or monetary benefit to the government, without taking over the vacant and peaceful physical possession of the left over private kabuli survey numbers/lands.

(e) Allowing development/construction of a high class private residential/commercial project on state falling within the controlled areas of MDA. He also failed to comply with the conditions of lease/reservations vide Land Utilization Department letter dated: 31-3-2015 and 24-1-2014, respectively.

(f) Illegal consolidation of 21-16 acres from deh Joreji as this deh was not notified as controlled area of MDA vide Notification dated: 26-12-2013

i. **Muhammad Siddique Majid, Ex-Director, Town Planning, (BPS-19) MDA, Govt. of Sindh. Now retired.**

(1) He being Ex-Director, (Town Planning) MDA in connivance with Ex-Minister, Local Government/Chairman MDA Authority, Ex-DG, MDA, Ex-Director (Estate & Enforcement), MDA, Ex-DC, Malir, and in the abetment and in the conspiracy with the accused CEO and Directors of BTPL misused his authority by abetting, aiding and facilitating in illegal and unlawful adjustment of more than 7,221 acres of partially purchased private kabuli survey numbers/lands, situated in far flung dehs, by way of exchange and consolidation of the same on compact piece of state land against the law/rules to favor the management of BTPL for the development of BTK project. By doing so, he also acted in defiance to the restraining order dated: 28-11-2012 passed by the Hon'ble Supreme Court

of Pakistan in suo-moto case no. 16/2011. More specifically, but not limited to the following, he misused his authority by:

- (a) Following illegal directions/approvals given by the Ex-Minister, Local Government Department/Chairman MDA Authority with respect to violation of section 16(2) of MDA Act, 1993 and adjustment/exchange/consolidation of partially purchased private kabuli survey numbers/lands, situated in far flung dehs, on compact piece of state land in violation of the law/rules.
- (b) Processing and managing the illegal and unlawful approval of the 1st, 2nd and 3rd layout plans of Bahria Town Karachi project on 6,229 acres of state land without legal and lawful title of the land. He is also guilty of processing and managing the approval of the said layout plans on unregistered power of attorney from Bahria Town Pvt Ltd. Moreover, while managing and processing the approval for 2nd and 3rd layout plans of Bahria Town Karachi without any power of attorney at all
- (c) Failing to prepare any master programme of the 43 dehs of district Malir in pursuant to the Notification dated: 26-12-2013 and for seeking approval of the government u/s 16(2) of MDA Act 1993 amended 2013
- (d) Processing and managing illegal and unlawful adjustment/exchange/consolidation of 7,221 acres of private kabuli survey numbers on compact piece of state land on the basis of a preliminary concept master program of 32 dehs only and in defiance to the Rule No. 2 of the Disposal of Plots Rules 2006 by MDA notified by LG Deptt vide Notification dated: 30-5-2006.

(e) Failing to prepare low cost incremental housing schemes in lines with the conditions of allotment vide LU letters dated: 31-3-2015

(f) Processing and managing illegal handover, together with the Ex-DC, the vacant and peaceful physical possession of the valuable state land situated on main super highway(M-9), in lieu of partially purchased private kabuli survey numbers/lands falling in far flung dehs having no economic or monetary benefit to the government, without taking over the vacant and peaceful physical possession of the left over private kabuli survey numbers/lands.

k. **WaqasRiffat, Representative of Bahria Town Pvt Ltd, Private Person**

l. **WaseemRiffat, Representative Bahria Town Pvt Ltd, Private Person**

m. **ShahidMehmood, Representative Bahria Town Pvt Ltd,Private Person**

n. **MuhammadAwais, Representative Bahria Town Pvt Ltd, Private Person**

o. **MuhammadSarwar, Representative Bahria Town Pvt Ltd, Private Person**

(1) They with the abetment and illegal assistance of Ex-DC, Malir, Mukhtiarkars of Talukas Gadap, Murad Memon, Shah Mureed and Bin Qasim and of Ex-DG, MDA, Ex-Director, (Estate & Enforcement) and Ex-Director (Town Planning) and in connivance with the Zain Malik, Director, Bahria Town Pvt Ltd and to cause illegal financial benefit to the Directors and CEO of the Bahria Town Pvt Ltd committed offence(s) of corruption of corrupt practices and misuse of authority in the conspiracy of usurping compact piece of more than 7221 acres of valuable state land situated on main super highway under the garb of illegal adjustment/exchange/consolidation under the garb of Notification dated:

26-12-2013 and on the basis of a “preliminary concept plan of 32x dehs” only.

(2) They are the purchasers of around 7,221 acres of private kabuli survey numbers/lands situated in far flung dehs of district Malir that they purchased from hundreds of khatedars. The above mentioned officers of MDA in connivance with above mentioned officers of Revenue Authorities handed them over the vacant and peaceful possession of compact piece of 7,221 acres of compact piece of state land situated on main super highway, under the garb of illegal adjustment/exchange/consolidation, without taking over the vacant and peaceful possession of the left over private kabuli survey numbers/lands situated in far flung dehs of district Malir. Hence, they are the beneficiaries of not only the 7,221 acres of purchased survey numbers/lands (as per the record of rights) but also usurped the compact piece of state land situated on main super highway for the development of Bahria Town Karachi project.

(3) Afterwards, they are also guilty of nominating Bahria Town Pvt Ltd through Zain Malik, Director of Bahria Town as their attorney vide an unregistered special power of attorney for the development of Bahria Town Karachi project. By doing this illegal and unlawful act, they also caused loss to the government on account of duties and taxes

(4) They also purchased the following survey numbers vide the corresponding entry nos. based on bogus documents.

(a) Revenue entry no. 61 dated: 1-1-2014, in deh Narathar, Taluka Shah Mureed, for 7-02 acres in the record of rights on the basis of previous

entry no. 1032 dated: 24-6-1981 mutated through a fake and bogus registered document no., i.e., 452 dated: 15-11-1978

(b) Revenue entry no. 68 dated: 11-2-2014 and no. 69 dated: 11-2-2014, in deh Narathar, Taluka Shah Mureed, bearing survey nos. 391, 392 and 356, 364 for the area of 20-8 acres and 50-18 acres, respectively, in the record of rights despite the fact that these survey numbers had already been utilized for the purpose of development of a housing society, namely Sanobar Phase II by Al-Asr Builders

(c) Revenue entry no. 71 dated: 28-2-2014 bearing survey no. 50 and 51 for the area of 23-9-60, deh Koteiro, Taluka Bin Qasim, acres on the basis of a fake and bogus general power of attorney purportedly issued by Sub Registrar T Div XI vide registered no. 398 dated 9-5-1991. The Sub-Registrar, Central Record, City Court has verified that this is a forged/fictitious general power attorney.

p. **Zain Malik, Director, M/s Bahria Town Private Ltd, Private Person**

(1) He together with the CEO and Directors of Bahria Town Pvt Ltd and in connivance with the Chief Minister, Sindh, Ex-Minister, Local Government Deptt/Chairman, MDA Authority, Ex-DG, SBCA, above mentioned Revenue Authorities and officials of MDA and in defiance to the restraining orders dated: 28-11-2012 of the Hon'ble Supreme Court of Pakistan hatched a conspiracy of usurping more than 7,221 acres of compact piece of state land situated on main super highway without making due and just challan payment for the cost of the state land to the national exchequer under the garb of illegal adjustment/exchange/consolidation and on the

basis of illegal handing over/taking over certificates duly signed by LAO, MDA and Mukhtiarkars of Talukas Gadap, Murad Memon, Shah Mureed and Bin Qasim

- (2) In this regard he also managed to obtain illegal approval of the 1st lay out plan of Bahria Town Karachi, from the Ex-Minister, Local Govt Deptt/Chairman MDA Authority, initially to be developed on 1330 acres of compact piece of valuable state land situated on main super highway on the basis of an unregistered special power of attorney.
- (3) Similarly, he also managed to obtain illegal approval of the 2nd and 3rd lay out plans of the Bahria Town Karachi, from the Ex-Minister, Local Govt Deptt/Chairman, MDA Authority, to be developed on 4,696 acres and 6,229 acres respectively without any legal transfer of title from the purchasers of the private kabuli survey numbers/lands to him
- (4) He, in connivance with the above mentioned officers of MDA and above mentioned Revenue Authorities, Malir, illegally destroyed old villages/Goths, which existed on ground before, for the purpose of expansion of Bahria Town Karachi project.
- (5) He failed to obtain additional NOCs from Sindh Building Control Authority for advertisement and approvals for sale of residential and commercial plots after the 1st NOC and approval that he obtained on 20-3-2014.
- (6) He has raised illegal boundary wall around the periphery of the Bahria Town Karachi project to cause hardship and suffering to the local habitants

of the area, despite his undertaking that the internal roads would be kept open for general public for their commute.

(7) He has illegally usurped more than 7,221 acres of precious state land without any legal and lawful title of the land to cause loss to the national exchequer on account of cost of the land to be determined under section 10(4) of the colonization of Govt Lands Act 1912 read with the statement of conditions dated: 25-2-2006 framed thereunder.

(8) He has collected more than Rs. 114 billion in 3 bank accounts being maintained for the purpose of collecting money/installment from general public but purposefully did not pay the just and due cost of the said State Land.

(9) He, in connivance with the management of Bahria Town Pvt Ltd and the Mukhtiarkar, Gadap Taluka usurp around **29 acres** of land co-share holder in survey nos. 49(6-33), 50(3-19), 51(3-16), 53(0-36), 52(6-24), 54(15-35), 58(1-39), 206(5-19), 216(3-31), 217(2-35), 55(13-18), deh Langheji which legally and lawfully belongs to Mr. Faiz Gabol

q. **Ahmed Ali Riaz, CEO, M/s Bahria Town (Pvt) Ltd Private Person**

r. **Malik Riaz Hussain, Director Bahria Town (Pvt) Ltd Private Person**

s. **Bina Riaz, Director Bahria Town (Pvt) Ltd Private Person**

t. **Mubashira Ahmed, Director, Bahria Town (Pvt) Ltd, Private Person**

(1) They in connivance with Zain Malik obtained the illegal aide and assistance of the Chief Minister, Sindh, Ex-Minister, Local Govt Department/Chairman MDA Authority, Ex-DG, SBCA and others and in

defiance to the restraining orders dated: 28-11-2012 of the Hon'ble Supreme Court of Pakistan, hatched a conspiracy to illegally occupy compact piece of valuable state land on main super highway (M-9) for the purpose of development of Bahria Town Karachi without making due and just payment for cost of the land to national exchequer.

- (2) They are the beneficiaries of the whole conspiracy as their company, M/s Bahria Town Pvt Ltd, collected more than Rs.114 billion from general public from till May 2016 on account of registration fees/installments etc.
- (3) They started the illegal advertisement campaign in the print, electronic and social media to allure general public at large for depositing money into their following 3 bank accounts despite the fact that at that time they did not own or possess a single acre on ground for the development of Bahria Town Karachi. They collected more than Rs. 114 billion from general public at large, but purposefully did not make any payment for the cost of the state land for the development of Bahria Town Karachi project.
- (4) They gave reference to a bogus letter purportedly issued by the Sindh Building Control Authority vide their advertisement in print media in January 2014 to receive the confidence of general public that the project contained clean title of the land
- (5) They have raised illegal boundary wall around the periphery of the Bahria Town Karachi project to cause hardship and suffering to the local habitants of the area, despite his undertaking that the internal roads would be kept open for general public for their commute

- (6) They have illegally and unlawfully usurped more than 7,221 acres of precious state land without any legal and lawful title of the land to cause loss to the national exchequer on account of cost of the land to be determined under section 10(4) of the colonization of Govt Lands Act 1912 read with the statement of conditions dated: 25-2-2006 framed thereunder.
- (7) They are guilty of commission of offences re-produced at para 13 above only for the development of Bahria Town Karachi while the restraining order dated: 28-11-2012 in suo-moto case no. 16/2011 passed by the Hon'ble Supreme Court of Pakistan was in force.