



# TRANSPARENCY INTERNATIONAL-PAKISTAN

5-C, 2nd Floor, Khayaban-e-Ittehad, Phase VII,  
Defence Housing Authority, Karachi.  
Tel: (92-21)-35390408, 35390409, Fax: 35390410  
E-mail: ti.pakistan@gmail.com  
Website: www.transparency.org.pk

29<sup>th</sup> June, 2015

Director General,  
National Accountability Bureau (NAB),  
Karachi.

Sub: Mis-Use of 'Authority' by Officers of the Government of Sindh in the fictitious allotment of land measuring 134-24 acres in Deh Marather sold in year 1990 to 1994, but on fake power of attorney one Mohammad Qasim was in exchange allotted 134-24 acres in Deh Sungal Scheme- 33 Fraud of Over Rs 6.7 Billion

Dear Sir,

Transparency International Pakistan has received a complaint that Officers of the Government of Sindh in the fictitious allotment of land measuring 134-24 acres in Deh Marather sold in year 1990 to 1994, But on fake power of attorney to one Mohammad Qasim was fraudulently allotted in exchange 134-24 acres in Deh Sungal Scheme- 33.

The complainant has made following allegations;

That;

1. It is to inform that M/s AbdulAziz and Allah Bux were owner of land measuring 134-24 acres in Deh Marather.
2. They sold their land from the year 1990 to 1994 to different persons-
3. But in the year 1994 one Mohammad Qasim Lasse on the basis of un-registered power of attorney approached to the then Chief Minister Sindh for exchange of land.
4. The Chief Minister without obtaining field request and ground reality allowed to allot alternate plot in exchange 134-24 acres in Deh Sungal Scheme- 33 Karachi.
5. The original owners Abdul Aziz and Allah Bux filed a case No. SRO R-173/ 2005 before Member Land Utilization Mr. Khalid Mehmood Soomro, who vide his order dated 07-09-2006 cancelled the said exchange, (Copy Enclosed).
6. After a few years, in 2013-14 the said illegal exchange of the government land has been restored by Mr. Saqib Soomro, the then Secretary Land Utilization Department ( present Administrator KMC on leave)without having jurisdiction of such powers.
7. This land at the current price of Rs 50 million per acres, is worth Rs 6.7 billion.

Director General, NAB is requested to kindly examine the complaint, and if the allegations are found correct NAB may take steps to cancel all such illegal allotments, and also make accountable the corrupt public officials and the private persons involved in this heinous crime.

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 Muzzafar  
Chairman

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

1. Chief Minister, Government of Sindh, Karachi.
2. Chief Justice, Sindh High Court, Karachi
3. Chief Secretary, Government of Sindh, Karachi.
4. Managing Director, SPPRA, Karachi.



BEFORE MR. KHALID MEHMOOD SOOMRO, MEMBER (LAND UTILIZATION)  
BOARD OF REVENUE, SINDH.

Case No. SROR-173/2005.

1. Abdul Aziz S/o Ghulam Rasool.
2. Allah Bash S/o Ghulam Rasool  
Both Muslim, adult, through their  
Constituted attorney Mr. Muhammad Qasiri  
Baloch S/o Muhammad Hashim, Muslim  
Block-13-D, Gulshan-e-Iqbal,  
Karachi.....Applicants.

Versus

1. The Mukhtiarkar (Revenue)  
Scheme No.33, City District Government, Karachi.
2. The Survey Superintendent,  
Karachi having its office at  
79, Pak Secretariat, Saddar, Karachi.
3. Abdul Jabbar S/o Rehmatullah,  
Muslim, adult, resident of D-9  
Block-B, North Nazimabad, Karachi.
4. Muhammad Ibrahim S/o A. Jabbar  
Muslim, adult, resident of House No.588,  
Sector 14-B, Shadman Town,  
North Karachi Township, Karachi.
5. Irfan S/o Saleem Dawood,  
Muslim, adult, resident of  
Flat No.C-1, resident of Flat No.C-1,  
Hashoo-Tarrace, Block-5, Clifton, Karachi.
6. Furqan Ahmed  
Chief Executive, M/s. Brothers Engineering Works  
C-1-39; Sector No.12-C; North, Karachi.....Respondent.

Present:- Mr. Abdul Jabbar Mirza Counsel for the applicants.  
Mr. Lekhraj. Rathi Counsel for the respondents.

ORDER

This application is against correctness, legality and propriety of title of the land involved in entry No.34, of Deh Singhal, originating from Entry No.28, in Deh Form VII, dated 01.12.1956.

*(Signature)*



2. This case was heard on 16.02.2006 when the parties with their respective counsels were present.

3. The applicants state that they are the lawful owners of the piece of land comprising an area of 26-10 acres from the total disputed area of 36-00 acres (referred to in disputed revenue entry No.34, dated 01.12.1956 in favour of respondent No.3), which they have acquired by virtue of entry No.50 of Deh Form II, dated 11.08.1994, on the basis of exchange of land granted / allowed by Government of Sindh, Land Utilization Department, vide order dated 27.06.1994, read with order dated 21.08.1997, of the Ehtesab Bench, High Court of Sindh in Ehtesab Reference No.18 of 1997. The applicants also cited a letter dated 15.07.2005, issued by the respondent No.1 in favour of respondent No.6, wherein he is declared as owner of an area of 5-09 acres of land S.No.127, from the disputed land of the applicants which is also subject to determination by the competent forum.

5. On the other hand, the counsel for respondent No.3 has argued that he is the rightful owner of the disputed land, admeasuring 36-0 acres vide entry No.28/34 of VF VII, dated 01.12.1956. He further stated that demarcation in respect of the above land had been submitted on 18.04.2002 by the District Officer (Revenue) K.D.A., Karachi as per rules and the prescribed procedure, but the demarcation certificate (Ghat Wadh Form) to that effect has been withheld for want of clarification of title of respondent No.3. In the meanwhile he sold some portion of disputed land. It was further stated that ultimately a Civil Suit No.887/2003 was filed by him before the High Court of Sindh Karachi (original Civil Jurisdiction) for declaration and permanent Injunction against the Mukhtiarkar (Revenue) Scheme-33, Karachi and Survey Superintendent, Land and Settlement, which was later withdrawn vide High Court order dated 23.9.2004.

6. While sifting original record mind boggling facts have surfaced as under:

- i. Mr. Muhammad Qasim Laasi has been acting as attorney of M/s. Abdul Aziz and Allah Bux, through an un-registered power



dated 10.6.1993 which has also been challenged by the applicants before the High Court vide Suit No.378/2005 which is still pending adjudication.

- ii. The attorney Muhammad Qasim submitted an application on 11.5.1994 on behalf of the applicants stating therein that they are owners of land about 134-24 acres in Deh Narathar bearing S.No.266 to 270, 275 to 279, 283, 258 and 104 and requested the Chief Minister to allow him government land in exchange.
- iii. ✓ The record of Deh Narathar shows that total area coming to the share of each applicant comes to 103-26 acres out of which to the appellant Allah Bux had already sold out his entire share prior to 11.5.1994, the date on which application was submitted to the Chief Minister and 53-04 acres by appellant Abdul Aziz also as under:-

Allah Bux	Entry No.1250	Date 28.3.90	23-22 acres	KIP Wapda CHS
Allah Bux	Entry No.1372*	Date 15.5.94	72-11 acres	Usman & Sayed Zaman
Allah Bux	Entry No.1382*	Date 18.7.94	7-33 acres	-do-
			<u>103-26 acres</u>	
Abdul Aziz	Entry No.1371*	Date 15.5.94	39-29 acres	Jamil Ahmed & Sher Zaman
Abdul Aziz	Entry No.1383*	Date 18.7.94	13-15 acres	-do-
			<u>53-04 acres</u>	

\* Registered Sale Deeds No.1288/24.4.94; 1709/31.5.94; 1331/20.4.94 & 2202/13.7.94.

- iv. The applicants did not stop, but continued selling the land in question even after submitting application to the Chief Minister on 11.5.94, speaks volumes about intentions of the applicants.
- v. It is also surprising to observe that the Land Utilization Department after receiving the application from the Chief Minister, called a report from DC West to confirm title of the applicants and another from DC Malir about availability of land in Scheme-33 to be given / allotted to the applicants in lieu of their land in Deh Narathar. Instead of confirming title of the applicants, the Land Utilization Department moved a summary to the Chief Minister on the recommendation of the DC Malir and sought approval of the competent authority for allowing exchange as requested. It is strange to further observe that title of the applicants was never confirmed, yet the department issued a conditional order allowing exchange subject to title. This type of

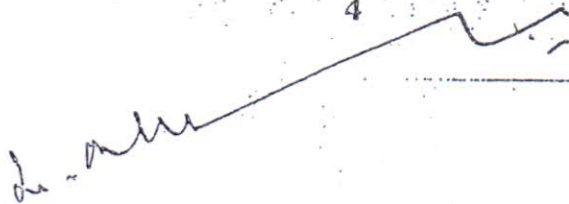


attitude appears to be an act of collusive fraud to help usurp valuable government land.

vi. the Revenue functionaries have further committed blunder by unilaterally effecting mutation of the land in Deh Narathar in favour of government vide entry No.1384 dated 27.7.94 107-0 acres and entry No.1435 dated 08.2.96 26-11 acres which already stood mutated in the names of M/s.Jamil Ahmed, Sher Zaman, Usman and Sayed Zahid on the strength of the order of the Land Utilization Department dated 27.6.94 and of the DC Malir dated 10.7.94. This is again an illegal and abinitio void action as no one can deprive a citizen of his valuable rights unilaterally which he acquires through a due process of law. Thus the action on part of the revenue functionaries bears two pronged effect i.e. to hood wink and bluff the government on one hand and on the other arbitrarily snatch property from the persons who had purchased the land from the applicants through registered sale deeds, which the applicants through their attorney had declared to be their own land and was to be surrendered to the government.

7. To my knowledge there is some litigation pending in the High Court filed by Jamil Ahmed & others against applicants and government and also by the applicants against their self-styled attorney which shall be adjudicated in the appropriate manner by the competent court at their own time.

8. While parting with the discussions, I am constrained to sum up in view of the above observations that the applicants did not have a clear title over the land in Deh Narathar at the time of making request to the Chief Minister for allowing them exchange with government land in Scheme-33, therefore, were not entitled to get government land in exchange, and with the connivance of the Revenue functionaries and Land Utilization Department managed to get approval of the competent authority for exchange with the government land, thus order of the Land Utilization Department dated 27.6.94 allowing exchange of land in Scheme-33 government in favour of applicants is declared void and illegal. Accordingly the District Officer (Revenue) Karachi is directed to resume the Scheme-33 land involved in the order of the Land





Utilization Department dated 27.6.94 and mutate the same in favour of Government of Sindh, and take over possession of the said land, excepting the disputed S.No. 124 to 131 of Deh Songal, falling in various sectors of Scheme-33, measuring about 26-10 acres mutated in favour of the respondents whose title has already been maintained by upholding order of the EDO (Rev) Karachi dated 08.12.2005 vide my judgment in Appeal SROR No.21/2006 dated 27.7.2006. This order also declares entries No.1384 and 1435 of Deh Narathar illegal and are therefore set aside. I also issue directions to the Land Utilization Department that since the order dated 27.6.94 has been declared illegal and void hence should not be acted upon in the terms of Section 4 of the Ordinance No.III of 2001 i.e. the government land in Scheme-33 should not be regularized in favour of applicants as it stands resumed.

Announced.



(KHALID MEHMOOD SOOMRO)

Member (Land Utilization)

Board of Revenue, Sindh.

Camp at Karachi.

Dated 27.9.2006.

No. Reader/MBR(LU)/544/2006, Hyderabad, dated: 11.09.2006.

Copy forwarded for information & necessary action to:

1. The Executive District Officer (Revenue), City District Government, Karachi.
2. The Deputy Secretary-I (Land Utilization), Board of Revenue, Sindh.
3. The District Officer (Revenue), City District Government, Karachi.
4. The Mokhtarak (Revenue), Scheme No.33, City District Government, Karachi.



Reader to  
Member (Land Utilization)  
Board of Revenue, Sindh.