



# TRANSPARENCY INTERNATIONAL-PAKISTAN

5-C, 2nd Floor, Khayaban-e-Ittehad, Phase VII,  
Defence Housing Authority, Karachi.  
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Website: www.transparency.org.pk

7<sup>th</sup> April, 2016

TL16/0704/2A

Mr. Chaudhry Qamar Zaman  
Chairman  
National Accountability Bureau,  
Islamabad.

Sub: DHA is not a regulator and DHA City plans are not approved by SBCA or any Cantonment Board , and illegal Change of about 225 Nos Residential Plots of 300 syds as Commercial Plots in DHA Phase -VIII

Dear Sir,

Transparency International Pakistan has received a complaint against DHA Karachi complaining that DHA is not a regulator and DHA City plans are not approved by SBCA or any Cantonment Board , and illegal Change of Land Use by DHA of 225 Nos. 300 syds Residential Plots as Commercial Plots in DHA Phase –VIII.

The allegations made by the complainant are;

That

1. In the Supreme Court of Pakistan Order in the CP No. 668-K of 2011 filed by DHA Karachi, adjudicated by Justice Sarmad Jalal Osmany and Justice Gulzar Ahmed, following judgment was given on 6.9.2012. **Annex-A.**

“ After having briefly heard both the learned ASCs, we have reached the conclusion that the **Petitioner ( DHA Karachi) did not have any power to condone illegal construction in the concerned building** i.e. conversion of the basement meant for car parking, as such power is only available to the Cantonment Board under Section 184 and 185 of the Cantonment Act 1924.”

2. But DHA City Master Plan on over 11,000 acres is not approved by Sindh Building Control Authority required under Karachi Building and Town-Planning Regulations, 2002.
3. DHA City Master Plan on over 11,000 acres is not even approved by Clifton Cantonment Board required under Clifton Cantonment Board Bye Laws framed by the Cantonment Board Clifton, [Karachi] Building Bye-laws, 2007.
4. DHA Karachi is committing illegal act of selling unapproved plots of DHA City to public since over 4 years.
5. DHA City comprises of many plots of land acquired by DHA , which were allotted on 30 years temporary basis for Cattle farming, Chicken Farms etc. which are illegally converted for 99 years lease by various DCs or given in exchange under Notification dated 5.10.2011. All such conversions from 30 years to 99 years are illegal, as according to Notification dated 24.11.2010, under condition no. 10(a) (1) regarding conversion of any existing 30 years lease granted for Poultry or Wahi-Chahi or Agriculture or Cattle Farming purposes, the Chief Minister is allowed to convert lease up to 99 years **only for the industrial purpose**. The Notification dated 5.10.2011 has been withdrawn by CM vide Notification No 09-294-03/SO-I/494 dated 21.9.2015. **Annex-B.**

6. Sindh Government is now in process of canceling all such illegal plots, and **55.21 acres** allotted to the Administrator DHA on 27.11.2012, in Abdar NK. No. 45, 46 & 47 for cattle farming, vide order No 10-683-12/SO-I/585 has been canceled in October 2015. **Annex-C.**
7. DHA in 2015 has illegally converted 225 residential plots on main Beach Avenue, Phase VIII, into Commercial Plots. This change of land use is illegal and is against the Supreme Court of Pakistan Order, as the authority of **conversion of the land use rests only with Cantonment Board under Section 184 and 185 of the Cantonment Act 1924.**
8. Many DHA officers are reported to have purchased many of the 300 syds residential plots at around Rs 20 million prior to DHA illegally declaring these plots as Commercial. The prices of these plots has risen to Rs 220 million each. One such plot reportedly purchased by some DHA officer in his wife's name in October 2014 is 300 syd plot No 185-E of Ms. Shaban .
9. Owner of one such Plot 223-E was informed by DHA on 10.4.2015 about the change of status from residential to commercial.

The complaint has been examined and prima facie the allegation of illegal acts of DHA Karachi of selling unapproved DHA City and illegal conversion of 225 Plots of 300 syds from residential to commercial appears correct.

The latest remarks of the three member Supreme Court of Pakistan bench about DHA dated 4<sup>th</sup> April 2016 is a proof of DHA illegal acts in Lahore also.

ڈی ایچ اے کابنس چلے تو بھارت کو بھی کنٹرولڈ ایریا قرار دیدے، سپریم کورٹ

جسٹس دوست محمد نے ان سے استفسار کیا کہ کیا ڈی ایچ اے نے اس علاقے کو کنٹرولڈ ایریا قرار دیدیا ہے، جس پر فاضل وکیل نے کہا کہ ڈی ایچ اے نے 156 کنال اراضی کو کنٹرولڈ ایریا قرار دیا تھا تاہم قبضہ نہیں کیا ہے، جس پر جسٹس قاضی فائز عیسیٰ نے ریمارکس دیئے کہ ڈی ایچ اے کابنس چلے تو پورے پاکستان کو ہی کنٹرولڈ ایریا قرار دے دے، ڈی ایچ اے کے وکیل نے کہا کہ قانون کے مطابق ڈی ایچ اے کسی بھی اراضی کو کنٹرولڈ ایریا قرار دے سکتی ہے، جس پر جسٹس دوست محمد خان نے کہا کہ سپریم کورٹ قرار دے چکی ہے کہ آمر کے دور حکومت میں ڈی ایچ اے لاہور کو قانونی تحفظ دیا گیا تھا جو کہ غیر قانونی تھا، پاکستان تو کیا اس قانون کے تحت ڈی ایچ اے والے بھارت کو بھی کنٹرولڈ ایریا قرار دے سکتے ہیں، بعد ازاں فاضل عدالت نے ڈی ایچ اے کی نظر ثانی کی اپیل خارج کر دی۔

The Chairman NAB is requested to examine the complaint, and if found correct, take action to obtain legal statutes of DHA City from Clifton Cantonment Board the regulator of DHA Karachi, or SBCA, and ensure that 225 plots illegally commercially by DHA are restored as Residential. Action under NAO 1999 Section 9 and 10 may also be taken against all those who are found responsible for mis-use of authority and loss to exchequer.

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 Muzaffar  
Chairman

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. Registrar, Supreme Court of Pakistan, Islamabad

12/29/12  
Sn 1229 of 12  
M. A. S. K. Ghori

**IN THE SUPREME COURT OF PAKISTAN**  
(Appellate Jurisdiction)

**PRESENT**

Mr. Justice Sarmad Jalil Qumany  
Mr. Justice Gulzar Ahmed

**CIVIL PETITION NO. 568-K OF 2011**

Pakistan Defence Officers Housing Authority, Karachi.

Petitioner

**VERSUS**

M/s Grace Builders (Pvt.) Ltd. Through M.D. Syed Asif Ali

...Respondent

For the petitioner:

Mr. Nadeem Akhtar Siddiqui, ASC  
Mrs. Shiraz Iqbal Chaudhry, AOR

For the Respondents:

Mr. Shalq Usmani, ASC  
Mr. A.S.K. Ghori, AOR

Date of Hearing:

06.09.2012

**ORDER**

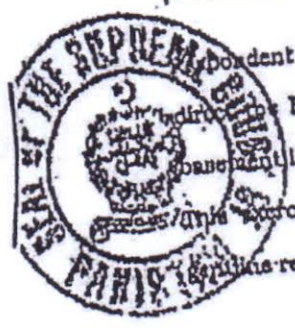
After having briefly heard both the learned ASCs, we have reached the conclusion that the Petitioner did not have any power to condone illegal construction in the concerned building i.e. conversion of the basement meant for car parking as such power is only available to the Cantonment Board under Sections 184 and 185 of the Cantonment Act, 1924.

FILED

2. In these circumstances, the initiation of the arbitration process whereby only the Petitioner authority was involved was perhaps incorrect as the affected persons i.e. shopkeepers as well as the Cantonment Board were not made parties. Hence in order to do complete justice, as learned ASC appearing for the Respondent has admitted that the conversion of the basement into shops was unlawful and the

ATP

(C.P.No.658-K/11)



Respondent would have no objection if same was reversed, we would Respondent to ensure that this process is reversed and the land is vacated and converted for the purpose of car parking alone. This exercise shall be done within three months extendable only for the following reasons.

Sd/-Sarmad Lalal Osmany, J.  
Sd/-Gulzar Ahmed, J.

CERTIFIED TO BE TRUE COPY

*[Signature]*  
10/9/12  
Superintendent  
Superior Court of Pakistan

Karnal, the  
6<sup>th</sup> September, 2012  
Karnal

C.P. 658-K/11  
06-09-12  
600  
5:00  
3:72  
8:72  
10-09-12  
11-9-12  
*M.A.S.K. Secretary*

**NOTIFICATION**

Karachi, Dated: 21 -09-2015

No.09-294-03/SO-I/ 494 , In exercise of the powers conferred by sub-section(2) of section-10 of the Colonization of Government Lands (Sindh) Act, 1912, the Government of Sindh are pleased to withdraw the Notification relating to exchange of land under section-17 of the Colonization of Government Lands (Sindh) Act, 1912, issued vide No.09-294-03/SO-I/572, dated 05.10.2011 published in Sindh Government Gazette dated 11.10.2011 through which condition No.11(A) was added in the statement of conditions for grant of state land for non-agriculture purpose including amenity, residential, flat site, incremental housing, residential-cum-commercial, Industrial purposes on lease up to 99 years notified vide Notification No.09-294-03/SO-I/336, dated 25.02.2006.

  
SECRETARY TO GOVERNMENT OF SINDH  
LAND UTILIZATION DEPARTMENT

**A copy is forwarded for information and necessary action to:-**

1. The Chief Secretary, Sindh Karachi.
2. The Senior Member, Board of Revenue, Sindh Karachi.
3. The Secretary, Law Department, Government of Sindh Karachi.
4. The Advocate General Sindh Karachi.
5. The Secretary to Chief Minister, Sindh Karachi.
6. The Director, National Accountability Bureau Sindh Cantt Karachi.
7. The Member (RS&EP), (R&S), Gothabad, Judicial-I, II & III
8. The Commissioner..... (all).
9. The Deputy Commissioner..... (all).
10. The District Registrar Karachi / Hyderabad.
11. The Superintendent, Printing Press, Karachi for publication in Official Gazette and supply (100) copies of Gazette

## SUMMARY FOR THE CHIEF MINISTER, SINDH

**SUBJECT: WITHDRAWAL OF CONDITION NO. 11(A) REGARDING EXCHANGE OF LAND FOR GRANT OF LAND FOR NON-AGRICULTURAL PURPOSE ADDED IN THE STATEMENT OF CONDITIONS NOTIFIED ON 25.02.2006**

In compliance of Para-31, of the summary approved by the Honourable Chief Minister, Sindh (Annex-A), the Condition No.11(A) was inserted in the Statement of Conditions notified vide Notification dated 25.02.2006 regarding exchange of land to any tenant whole or any part of his tenancy or other land in the colony in accordance with the conditions laid down in Section-17 of the Act, vide Notification dated 05.10.2011 (Annex-B).

2. In another summary approved by the Honourable Chief Minister, Sindh vide Para-9 (Annex-C), whereby, new Condition No.10(a)(1) regarding conversion of any existing 30 years lease granted for Poultry or Wahi-Chahi or Agriculture or Cattle Farming purposes into lease upto 99 years only for the Industrial purpose, on the application of lessee vide Notification dated 24.11.2010 (Annex-D).

3. It is pertinent to mention here that the Deputy Commissioner(s) have frequently exercised the powers regarding exchange of land at their own levels without obtaining approval of the Committee constituted regarding Oversee & Finalize the cases processed under Section-17 of the Colonization of Government Lands (Sindh) Act, 1912, constituted vide Notification dated 20.07.2010 (Annex-E).

4. It is pointed out that under the statement of conditions notified under Section-10(2) of the Colonization of Government Lands (Sindh) Act, 1912 the Chief Minister is only authorized to allot the land for non-agricultural purpose, specific land for a specific purpose. The Deputy Commissioners can neither allot directly nor through exchange a single inch of land, or cannot pass any order in supersession of the orders of the Chief Minister. The Provision of Section-17 had to be applied in running grants for Agricultural purpose, in case of land leased out for 99 years there is no restrictions on transfer of land.

5. The Government land cannot be given in exchange of private land which is on leases for non-agricultural purposes as it is to be treated as private land. The amendment in Section-17 in the Act, during 1995 had no other purpose but to prohibit transfer of valuable Government land to private person in grab of exchange.

6. In all the cases of grant of land in exchange by the Deputy Commissioners / District Officers with or without approval of the Commissioner or defunct EDO and even with the approval of the Committee headed by the Senior Member, Board of Revenue, Sindh, there was no justification as if the allottees / lessees were not satisfied from the land allotted / leased out to them on any grant even non-availability of allotted land they were only entitled for refund of occupancy price deposited by them. They could not get any other land allotted by the Chief Minister from the Deputy Commissioner's or District Officer's.

*[Signature]*  
11.9.15

# SUMMARY FOR THE CHIEF MINISTER, SINDH

7. The Land Utilization Department has examined the issue and proposes that the Condition No.11(A) notified on 05.10.2011 may be cancelled / withdrawn / deleted to save the precious Government land. Simultaneously all the orders of the Deputy Commissioner's or District Officer's regarding allotment of state land in exchange even with the approval of the Committee or the Commissioner or EDO's (Revenue) may be ordered to be withdrawn and land retrieved.

8. The Honourable Chief Minister Sindh may like to approve Para-7 above.

*[Signature]*  
11.9.15  
SECRETARY TO GOVERNMENT OF SINDH  
LAND UTILIZATION DEPARTMENT

SENIOR MEMBER, BOR SINDH

*Proposed at para 7/ante is fully endorsed. Moreover, Notification dated 20.7.2010 placed at Annexure - E may also be withdrawn/cancelled forthwith.*  
*[Signature]* 14/9/15

CHIEF SECRETARY, SINDH

*As proposed at para 9*  
*[Signature]* 15/9/15

CHIEF MINISTER, SINDH

*AS at para 9 & 10*  
*[Signature]* 18/9/15

*D.S. Secy LU*

*MLU*

*A-S*

*[Signature]*  
11.9.15

SUMMARY SECTION  
1704

C.M.S.O.S. No. 18-09-2015

LAND UTILIZATION DEPARTMENT  
U.O No. 09-294-01/50-1-133  
Dated 11-09-2015  
PS TO CS DMO 3883  
Dated 17/9/15  
Dated 14/09/2015

18-09-2015

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LIST OF WITHDRAWN / CANCELLED 30 YEARS LEASES / 10 YEARS EXTENSION LEASES  
IN RESPECT OF DISTRICT HYDERABAD

SR	NAME OF GRANTEE	AREA (IN ACRE)	DEH/NC No	PURPOSE	ORDER NO.	ORDER ISSUE DATE
1	Muhammad Zahid s/o Abdul Majeed Khan	16-00	Goonder U.A.No.20	Agricultural	11-11-12/SO-I/933	27.11.2011
2	Muhammad Najeeb s/o Abdul Majeed Khan	16-00	Goonder U.A.No.20	Agricultural	11-11-12/SO-II/932	27.11.2011
3	Muhammad Sharif s/o Abdul Majeed Khan	14-00	Goonder U.A.No.20	Agricultural	11-11-12/SO-II/931	27.11.2011
4	Muhammad Ayaz s/o Abdul Majeed Khan	16-00	Goonder U.A.No.20	Agricultural	11-11-12/SO-II/930	27.11.2011
5	Abdul Majeed s/o Abdul Karim Khan	11-00	Goonder U.A.No.20	Agricultural	11-11-12/SO-II/922	27.11.2011
6	M/s. Muzamil Ahmed s/o Aftab Ahmed	10-00	Goonder Hyderabad	Agriculture	10-822-12/SO-I/508	20.11.2012
7	Hamza Khan s/o Alahuddin Khan & Jibran Mukhtar s/o Mukhtar Ahmed	06-06	Goonder S.No.222	Agricultural	10-885-12/SO-I/566	27.11.2012
8	Ghulam Rasool Magsi s/o Sher Muhammad	15-00	Sari U.A.No.190 Hyd.	Agriculture	10-348-12/SO-I/401	11.09.2012
9	Sadaruddin s/o Sher Muhammad	15-00	Sari U.A.No.190 Hyd.	Agriculture	10-349-12/SO-I/402	11.09.2012
10	Abdul Zia s/o Abdul Majeed	15-00	Sari U.A.No.190 Hyd.	Agriculture	10-350-12/SO-I/403	11.09.2012
11	Huzoor Bux Magsi s/o Sher Muhammad	15-00	Sari U.A.No.190 Hyd.	Agriculture	10-351-12/SO-I/404	11.09.2012
12	Muhammed Akram Magsi s/o Yar Muhammad	15-00	Sari U.A.No.190 Hyd.	Agriculture	10-352-12/SO-I/405	11.09.2012
13	Abdul Majeed Mangsi S/o Shahal	12-00	Sari U.A.No.190 Hyd.	Agriculture	10-353-12/SO-I/406	11.09.2012
14	Shoukat Ali Magsi s/o Mashooque Ali Magsi	05-00	Sari S.186	Agriculture	10-393-12/SO-I/407	11.09.2012
15	Muhammad Siddique S/o Alauddin Samoon	16-00	Sari S.191	Agriculture	10-394-12/SO-I/408	11.09.2012
16	Muzaffar Hassan s/o Allah Dino Khan	15-00	Sari S.191	Agriculture	10-395-12/SO-I/409	11.09.2012
17	Mr.Haleem s/o Muhammad Yousuf	15-00	Mirzapur U.A.No.Phital Kangan Khendo Wah	Wahi Chahi	10-163-12/SO-I/04	31.01.2012
18	Mr.Ameer Bux s/o Siddique	36-00	Shah Bukhari U.A.No.Phital Kangan Khandowah	Wahi Chahi	10-166-12/SO-I/06	31.01.2012
19	Dr. Aftab Ahmed s/o A.Rauf Shoro	03-00	Goondar U.S.No.44 S.No.71	Agriculture	10-505-12/SO-I/234	08.06.2012
20	Dharamdas S/o Kakmal	37-00	08 Bora Rayati	-	KB-I/2-43/HYD/2010/10	31.01.2012
21	Sahib Khan S/o Mohammad Rind	02-20	Gujjo	Agriculture	KB-I/2-53/HYD/2011/23	12.03.2012



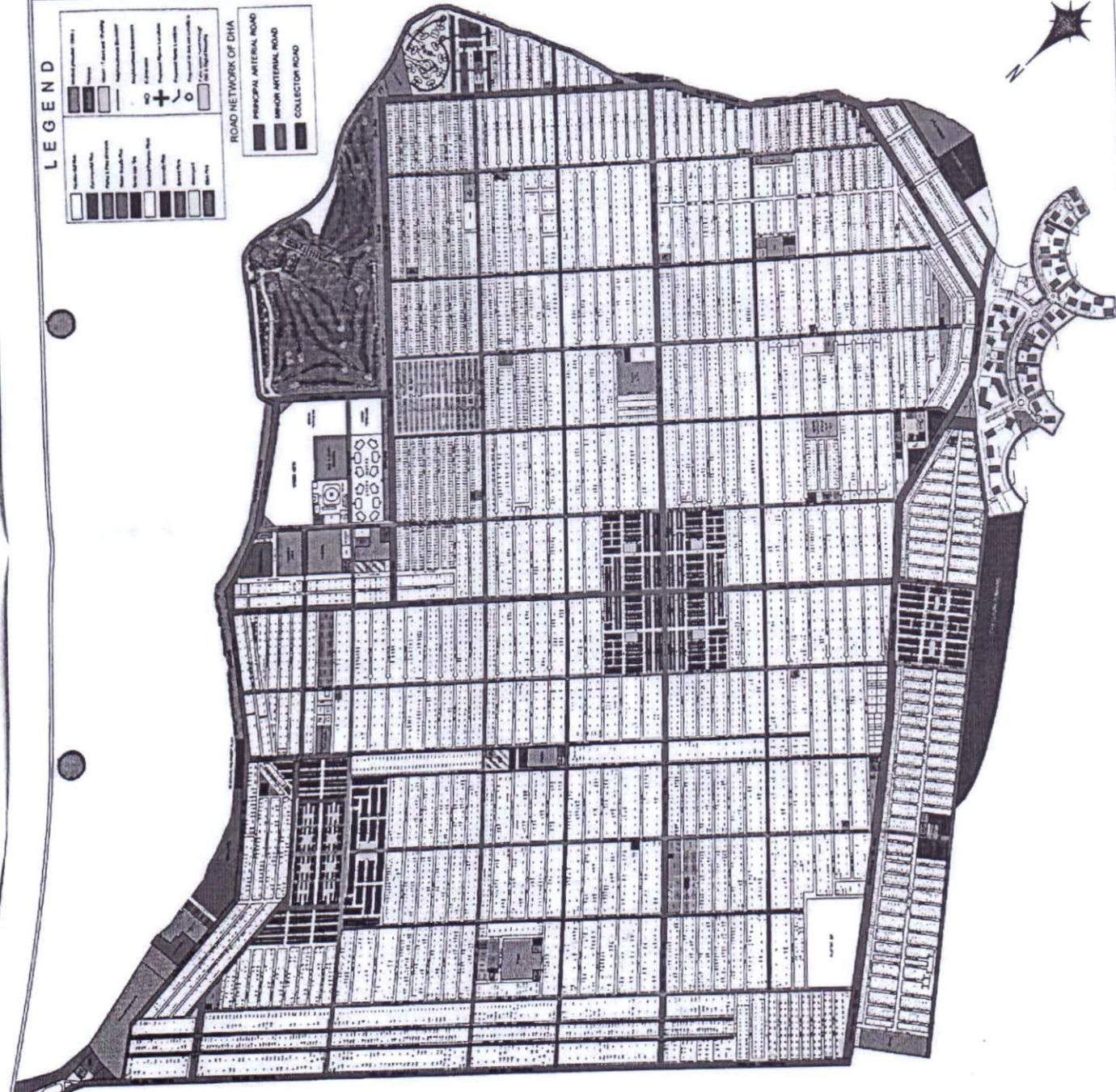
				Wahi Chahi	10-684-12/SO-I/545	27.11.2012
				Wahi Chahi	10-855-12/SO-I/546	27.11.2012
				Wahi Chahi	10-855-12/SO-I/547	27.11.2012
				Wahi Chahi	10-857-12/SO-I/548	27.11.2012
Maq Nawaz s/o Rani Khan	20-00	Mandro NC.34		Wahi Chahi	10-868-12/SO-I/549	27.11.2012
Munir Ahmed s/o Noor Muhammad	20-00	Mandro NC.34		Wahi Chahi	10-869-12/SO-I/550	27.11.2012
Abdul Samad s/o Sher Muhammad	20-00	Mandro NC.34		Wahi Chahi	10-871-12/SO-I/552	27.11.2012
Sain Dad s/o Sono Khan	20-00	Mandro NC.34		Wahi Chahi	10-873-12/SO-I/554	27.11.2012
Dhani Bux s/o Allah Bux	20-00	Mandro NC.34		Wahi Chahi	10-860-12/SO-I/531	27.11.2012
Imam Bux s/o Jawan	20-00	Mandro NC.34		Wahi Chahi	10-851-12/SO-I/532	27.11.2012
Rehmatullah s/o Jee Khan Mandro	20-00	Mandro NC.34		Wahi Chahi	10-852-12/SO-I/533	27.11.2012
Wajid Ali s/o Niaz Hussain	20-00	Mandro NC.34		Wahi Chahi	10-853-12/SO-I/534	27.11.2012
Mr. Khan s/o Budial	20-00	Mandro NC.34		Wahi Chahi	10-854-12/SO-I/535	27.11.2012
Abdul Ghaffar s/o Muhammad Suleman	20-00	Mandro NC.34		Wahi Chahi	10-768-12/SO-I/459	24.10.2012
Tariq Hussain s/o Pir Bux Dogar	20-00	Mandro NC.34		Wahi Chahi	10-769-12/SO-I/470	24.10.2012
Abid Husain s/o Buddo Khan Siyal	20-00	Mandro NC.34		Poultry/ Cattle	10-770-12/SO-I/471	24.10.2012
Saeed Ahmed s/o Bhudo Khan Siyal	16-00	Trani NC.62		Poultry/ Cattle	10-771-12/SO-I/472	24.10.2012
Abdul Hussain s/o Muhammad Bux Narejo	16-00	Trani NC.62		Poultry/ Cattle	10-772-12/SO-I/473	24.10.2012
Abdul Imran s/o Abdul Qadir Narejo	16-00	Trani NC.62		Poultry/ Cattle	10-773-12/SO-I/474	24.10.2012
Abdul Qadir Narejo s/o Muhammad Bux Narejo	16-00	Trani NC.62		Poultry/ Cattle	10-169-12/SO-I/07	31.01.2012
Abdul Raheem s/o Habibullah Narejo	16-00	Trani NC.62		Poultry / Dairy	10-651-12-/SO-I/394	17.08.2012
Abdul Rasheed s/o Muhammad Bux	16-00	Trani NC.62		Poultry	10-652-12/SO-I/395	17.08.2012
Abdul Majeed s/o Khamiso	10-15	Mahyo NC.151		Agr./Wahi Chahi	10-654-12/ SO-I/397	17.08.2012
Muhammad Yousuf Dagha	08-00	Mahyo NC.151		Agri/Wachi Chachi	10-687-12/SO-I/430	20.09.2012
Muhammad Ashraf s/o Muhammad Arif	16-00	Mahyo NC.151		Poultry	Corrigendum in fathers name vide letter No.10-687-12/SO-I/505	20.11.2012
Resool Bux Brohi s/o Qadir Bux	16-00	Mahyo NC.151		Cattle Farming	10-683-12/SO-I/585	27.11.2012
Imam Bux Brohi s/o Dur Muhammad Brohi	08-00	Mahyo NC.151				
Muhammad Hanif s/o Muhammad Gulzar						
Mr. Aamer Raza Qureshi Administrator DHA Karachi	55-21	Abdar NK.Nos.45,46&47		Cattle Farming	10-588-12/SO-I/425	20.09.2012
Qadir Ali s/o Ali Anwar, Manzoor Ahmed s/o Dad Muhammad, Keshif Abassi s/o Yousi Abbasi	12-00	Abdar NC.50		Dairy /Cattle		
Muhammad Habeeb Khan (I.G.Police Rtd)	04-00	Abdar NC.50		Poultry	10-170-12/SO-I/08	03.02.2012
Muhammad Asif	16-00	Sondhi NC.01		Wahi Chahi	10-321-12/SO-I/76	18.04.2012
Muhammad Ilyas W/o Rizwan Noor Khan	16-00	Sondhi NC.01		Wahi Chahi	10-322-12/SO-I/77	18.04.2012
Muhammad Abbas Zaidi S/o Touqueer Hussain Zaidi	04-00	Sondhi NC.01		Diary / Poultry	10-351-12/SO-I/98	02.05.2012

### LEGEND

	Block No.
	Easement No.
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	Plot No. (73rd Sub-Plot)
	Plot No. (74th Sub-Plot)
	Plot No. (75th Sub-Plot)
	Plot No. (76th Sub-Plot)
	Plot No. (77th Sub-Plot)
	Plot No. (78th Sub-Plot)
	Plot No. (79th Sub-Plot)
	Plot No. (80th Sub-Plot)
	Plot No. (81st Sub-Plot)
	Plot No. (82nd Sub-Plot)
	Plot No. (83rd Sub-Plot)
	Plot No. (84th Sub-Plot)
	Plot No. (85th Sub-Plot)
	Plot No. (86th Sub-Plot)
	Plot No. (87th Sub-Plot)
	Plot No. (88th Sub-Plot)
	Plot No. (89th Sub-Plot)
	Plot No. (89th Sub-Plot)

### ROAD NETWORK OF DHA

	PRINCIPAL ARTERIAL ROAD
	MINOR ARTERIAL ROAD
	COLLECTOR ROAD



OSMANI & COMPANY (PVT) LTD.  
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Date	17-04-2016
Drawn by	1111-01-01-01
Checked	1111-01-01-01
Scale	As per Plot

REVISED MASTER PLAN

PLANNING & DESIGN OF  
 DHA PHASE VIII

PAKISTAN DEFENCE OFFICERS  
 HOUSING AUTHORITY

