

NEWSCLIPPINGS

JULY TO DECEMBER 2021

ENCROACHMENT & EVICTION



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6,500 displaced families of Gujjar, Orangi nullahs to get 80 sq-yd plots

Chief Minister Syed Murad Ali Shah on Friday said that the provincial government had decided to allot 80-square-yard plots to all 6,500 families displaced because of an anti-encroachment operation along the Gujjar and Orangi nullahs.

He said that the decision was taken on the directives of Pakistan Peoples Party chairman Bilawal Bhutto-Zardari.

Speaking at a press conference here, the CM requested the Supreme Court to provide Rs10 billion from the funds being recovered from Bahria Town for its Karachi project so that the Sindh government could spend the money on the construction of over 6,500 houses, development of roads, drainage and water supply infrastructure in Malir district and to construct drainage system on the left bank of the Indus, which usually inundated the big cities and towns in the area.

Murad says SC is being requested to give Rs10bn recovered from Bahria Town for resettlement of displaced people

“The federal government has agreed to give two-month rent to the affected people at the rate of Rs15,000 per month and it has agreed to provide them apartments in the Naya Pakistan Housing scheme,” he said, adding: “The manifesto of the PPP calls for provision of shelter to the shelterless, therefore, it becomes our responsibility to provide houses to the affected people.”

Plots to be allotted in Taiser Town or LDA

The CM said that he had decided that plots measuring 80 square yards would be provided to each displaced family either at Taiser Town or Lyari Development Authority’s (LDA) Scheme-42.

He said keeping in view limited resources, the Sindh cabinet decided to file three applications in the Supreme Court.

He said the SC would be informed that the anti-encroachment drive along the Gujjar and Orangi nullahs had rendered 6,500 families homeless and the provincial government had decided to provide each family an 80-square-yard plot.

He said Rs1 million would be needed for the construction of each unit and the total amount would come to Rs3.5bn along with the construction of the entire infrastructure of roads, drainage and water supply.

He said that apex court would be requested to provide funds being recovered from Bahria Town for the construction of the houses.

The second application, he said, would be about district Malir where a large number of development schemes were being launched to develop the area. He said that the court would be informed that the provincial government was facing shortage of funds and the money being recovered from Bahria Town might be given to it to gear up the development works in Malir.

The chief minister said that through the third application the SC would be requested for funds for a drainage scheme to dispose of rainwater from left bank of the Indus.

He said that all the schemes would cost around Rs10bn and the three applications to get the required funds would be filed on Saturday morning. “We would have no objection if the Supreme Court appoints a monitoring judge or monitors itself the implementation of the said schemes,” he said.

Inquiry commission

Mr Shah said that the provincial cabinet had decided to request the Supreme Court to allow constitution of an inquiry commission under a retired judge, or a retired grade BS-21 officer, to inquire into the matters of allotment of land, approval of layout plans, overlooking violations or allowing extra land to all the controversial projects and fix the responsibility.

“The inquiry commission would scrutinise the allotment of apartments, shops, showrooms, etc, and would identify the involved officer/elected representatives,” he said, adding that the inquiry commission would also explore the legal position whether such projects could be regularised or not.

Talking about Nasla Tower, he said that his government respected the verdict of the Supreme Court and would implement it. “We want a way out to save the investment of the residents who have purchased apartments there,” he said, adding that the building could be regularised the same way as Banigala was regularised.

He denied that his government was involved in the construction of Nasla Tower.

He said residents were filing a review petition before the Supreme Court and his government would also request the same.

Replying to a question regarding Thursday’s security briefing in Islamabad, he said that several security issues were discussed in detail and it was pointed out that Karachi might be affected following the withdrawal of US troops from Afghanistan.

Rs109bn to be spent in Karachi

The chief minister said that with the investment of Rs65bn, the Red Line and Rs35bn Yellow Line bus rapid transit projects would be launched within next few months.

“We have launched two water treatment projects and Malir Expressway on a public-private partnership mode,” he said.

He said that his government would utilise Rs109bn on different development projects in the city during this financial year.

To a question, the CM said that only the extensions of shops and some illegal constructions had been bulldozed from Mauripur to construct a road. “The Mauripur Road is an important artery of the city and its work has been completed and we just have to inaugurate it formally,” he said.

To another question, he said that the parliamentary form of government was one of the best systems, which had delivered all over the world. “Our Constitution also allows a parliamentary system, and we have to strengthen it further,” he said.

Replying to a question, the chief minister said that he was going abroad on a private visit and would be back home within a few days. "The PPP chairman is also going abroad but where he is going and why is he going can be answered by him," he said.

He said that former president Asif Ali Zardari was not well. "Despite his health issues he attended the budget session and the exertion has affected his health," he said, adding that Mr Bhutto-Zardari returned from Islamabad to see his father and then he would go to Kashmir. (By Tahir Siddiqui Dawn, 13, 03/07/2021)

Victims of demolition drive along drains demand fair compensation

People facing displacement due to demolition of their houses along the city's major nullahs during an ongoing anti-encroachment drive on Friday demanded that they be compensated as per their lost land and its construction cost.



The affectees, under the umbrella of the Karachi Bachao Tehreek, held a press conference at the Karachi Press Club and asked the Sindh government to include the affectees of Gujjar Nullah, Orangi Nullah, Haji Lemu Goth, Sahafi Colony, Aladdin Park and the Karachi Circular Railways (KCR) demolitions in a recently announced commission.

They ask why 30-foot-wide roads are needed along Gujjar and Orangi nullahs when road constructed along Mehmoodabad drain is 12 feet wide

When the Supreme Court ordered the Sindh government to remove encroachments from storm-water drains, the Karachi Metropolitan Corporation (KMC), on orders of Sindh Local Government Minister Nasir Shah, began widening the canals as well as to free up space on either sides of the drains to build 30-foot-wide roads — a plan that is not a part of any Karachi master plan, they claimed.

It was explained that not even a single house demolished in the current so-called "anti-encroachment drive" on Gujjar and Orangi nullahs was located on the drain. In fact, these demolitions were carried out to carve out space for the construction of the 30-foot-wide roads.

They said four months after they lost their homes, Pakistan Peoples Party chairman Bilawal Bhutto-Zardari had now expressed his sympathies with the victims of the demolition drives, but it was important to question how the Sindh government was putting the demolitions solely in the account of the Supreme Court.

"Why did Bilawal not ask the Sindh government about how KMC officials stood in court and wrongfully declared the leases to be illegal? Wasn't it the same KMC officials who granted these leases in the first place," asked one affectee.

Double standards on width of roads

He said that the biggest question here was if the width of the road along the Mehmoodabad nullah, which falls in the constituency of Sindh Education Minister Saeed Ghani, can be limited to 12 feet, how can the same not be done with roads being built along the Orangi and Gujjar nullahs?

It was also pointed out that all renowned urban planners, from Arif Hasan to Dr Nausheen H. Anwar, have categorically stated that these roads had never been a part of any Karachi master plan and that they were of no significant benefit to anyone.

Limiting the width of these roads to 10 feet and not expanding the width of the drain could have saved all the houses that were demolished. This means there is ample land for the government to resettle the affectees, and on the same land they were displaced from.

Despite all of this, the Karachi Bachao Tehreek wished to explain the on-ground situation to Mr Bhutto-Zardari and the Sindh government without doubting their intentions so that they can accept their legitimate demands.

It was said that before making a proposal, the Sindh government should contact the victims and include them in the commission that has been announced now.

"We believe that only after complete consultation with the victims can a plan be developed that can truly alleviate the problems of the nearly one million people, including 21,000 children, who have been brutally and needlessly displaced," said another victim.

It was also demanded that at the same time, the victims of Haji Lemu Goth, Sahafi Colony, Aladdin Park and KCR demolitions also be included in this commission, and they be provided alternative compensation according to their respective losses.

The affectees also reminded that the United Nations issued a highly important statement in light of the grievances highlighted by the Karachi Bachao Tehreek regarding informing the government that the demolitions were giving birth to a colossal humanitarian tragedy, asking for the demolitions to be immediately stopped.

'KMC is harassing all affectees'

However, it is unfortunate that this process is far from over. Even today, the KMC with the help of its staff and law enforcement personnel is continuing to violate the peoples' privacy and the sanctity of their homes. It is harassing all affectees, including women and children, and depriving them of their homes as if they were second-class citizens.

"While we do not want any person to meet this fate, including the residents of Nasla Tower on Sharea Faisal, it is pertinent to highlight the vast difference in the implementation of the Supreme Court's order in working-class neighbourhoods and on a middle-income residential project such as Nasla Tower. Since the project involves big builders the government appears to not be pressing for its demolition," said an affectee.

"Moreover, political parties are also silently reaching there to stand with the affectees," he added.

The affectees said that if the demolition of the houses of the rich can be stalled in the absence of alternative housing for them, then demolitions of working-class population's homes should also be immediately stopped.

They also said that according to the decision of the Supreme Court, the government is obliged to provide lease replacement to all the demolished houses without any discrimination. The Sindh government must not discriminate in this regard. Therefore, if an affectee has lost a 200 square yard house then they must be allotted a plot measuring the same.

They said that there are huge discrepancies in the survey carried out by the KMC and the IDs issued in accordance with this survey, as no distinction was made between a four-storey house and a single-storey house. Multiple families living in one house have been counted as one family. They said that corruption is rife in distribution of cheques and financial scams are becoming commonplace. And despite the demolition of over half of the houses, people have not even received a cheque for Rs15,000 in rent.

"Hence, we strongly demand that houses should not be demolished till a detailed survey is conducted by the Technical Training Resource Centre for the victims. Furthermore, the houses that have been demolished should be given at least Rs30,000 per family per month. Rs720,000 should be paid for two years rent as soon as possible, or their houses should be reconstructed either at the same place or at a nearby place and they be given the opportunity to live a dignified life," they said in their charter of demands.

(By Shazia Hasan Dawn, 13, 03/07/2021)

Plots for evictees

IN the midst of their long and harrowing ordeal, there may be some light at the end of the tunnel for those affected by the Gujjar and Orangi nullah encroachment operations in Karachi. Sindh Chief Minister Murad Ali Shah announced at a press conference on Friday that the provincial government had decided to allot 80 square yard plots to the 6,500 families displaced as a result of the massive exercise. To that end, he said that the Supreme Court would be approached to provide Rs10bn out of the funds being recovered from Bahria Town on account of the land development firm's settlement dues. Part of the money, he said, would go towards the construction of houses for the families affected by the anti-encroachment operation.

This is the first long-term solution proposed by the Sindh government to address the displacement of the evictees. Thus far, the federal government has agreed to pay two years' rent to the affected families at the rate of Rs15,000 per month and, later, resettlement under the Naya Pakistan Housing Scheme. However, given this scheme is in a nascent stage, resettlement under it would be a very distant prospect. In any case, it is the provincial government's responsibility to undertake this exercise, just as it was its responsibility in the first place to provide these families with affordable housing on a legally sound basis which would have prevented their homes from being reduced to rubble today. Instead, expediency drove local authorities decades ago to issue leases and NOCs for the provision of utilities for the residents in these areas. Anti-encroachment drives along Gujjar nullah have been initiated many a time: in 2016, more than 4,000 structures were reportedly razed to the ground along a 24km stretch of the waterway. Last year's catastrophic urban flooding after a prolonged spell of monsoon rains, however, brought matters to a head, and this time the Supreme Court seems determined that the authorities see the nullahs cleared of encroachments. In most evictions that have taken place in Karachi's history, promises made to the affected people have not been fulfilled in their entirety. For instance, only 30,000 of the 80,000 displaced due to the Lyari Expressway construction were resettled, and a mere 33pc received even the meagre compensation — Rs50,000 — that was announced. This time, the apex court must ensure the Sindh government fulfils its obligations within a reasonable amount of time to those rendered homeless by the operation.

(By Editorial, Dawn, 06, 04/07/2021)

Plea to review Nasla Tower demolition order

The Association of Builders and Developers (ABAD) on Monday "appealed" to the Supreme Court to review its decision about demolition of the 15-storey Nasla Towers while announcing formation of an action committee to deal with the matters related to the apex court's orders.

"The situation is not good for the construction industry and unjustified action is being taken against builders," ABAD chairman Fayyaz Ilyas said. "Even leased houses and mosques are being demolished. ABAD definitely supports action against illegal construction and none of our members are involved in such activity in Karachi. But we appeal to the Supreme Court to review its decision on Nasla Towers and take ground realities into account while taking any decision."

He said any bad impact on the construction industry would lead to affect 72 allied industries that would ultimately deprive people of employment and overall economy.

(By Newspaper's Staff Reporter, Dawn, 14, 06/07/2021)

Sindh govt to give plots to 47 people displaced by anti-encroachment drive in Karachi

Chief Minister Syed Murad Ali Shah on Friday decided to allot plots to 47 affected residents of an anti-encroachment drive in New Karachi's 7000 Road Nullah.

He took the decision while presiding over a meeting of the Provincial Coordination & Implementation Committee (PCIC) here.

The meeting was attended by relevant officials. The meeting discussed issues pertaining to the revival of the Karachi Circular Railway (KCR), bus rapid transit (BRT) projects, progress of anti-encroachment drive, etc.

KCR

The transport department told the meeting that the Frontier Works Organisation (FWO) had conducted a survey for the detailed design of the project and estimated cost for flyover/underpasses along the KCR route.

According to the PC-1, three elevated structures would be constructed in phase-1 at a cost of Rs4.9 billion. In phase-2 elevated structures over an area of 6.4 kilometres would be constructed at an estimated cost of Rs11.50bn.

The PCIC is informed Green Line project will become operational on Oct 10

The chief minister said that he had committed to provide Rs6bn, which would be provided by his government as per the timeline of the railway authorities.

KCR's project director Ameer Daudpota told the meeting that there were some issues, which needed to be resolved before starting the work. At this, the chief minister said he would chair a meeting of KCR, transport department and city administration on Monday to resolve all the issues so that work on the proposed project would begin as per the Supreme Court's order.

BRT lines

The meeting was told that the infrastructure for the 3.8-kilometre-long BRT Orange Line, which is a project of the Sindh government, would be completed by the end of next month.

The project includes four stations and one bus terminal.

The transport department had released Rs2.12bn to the Sindh Infrastructure Development Company Limited (SIDCL) for procurement of 20 buses and Rs587.19m to make the project operational.

The buses will arrive from China in December.

The meeting was told that the BRT Red Line was Pakistan's first mass transit system with zero carbon emission due to the biogas component. The meeting was told that Malir Halt and Mosamiyat depots were being used by Pakistan Rangers, Sindh and they assured that they would vacate the premises when the work would begin.

The chief minister directed the chief secretary to provide alternative space to the Rangers so that they could continue their operational work smoothly.

About 21km-long Yellow Line project, the meeting was told that the contract would be finalised in consultation with the World Bank after Eid.

Regarding the federal government's Green Line project, the meeting was told that its infrastructure till Numaish would be completed by Aug 30 and buses would reach here from China on Aug 10.

The chief minister was assured that the project would start operation on Oct 10.

Anti-encroachment drive

Karachi Commissioner Naveed Shaikh briefed the meeting about the ongoing anti-encroachment drive.

He said that 5,134 units had been removed, including 238 units from Mehmoodabad Nullah, 3,290 Gujjar Nullah, total 1,606 from Orangi Nullah — 416 from Central, 1,001 units from West and 189 from Keamari districts.

The meeting was told that 1,169 shops and 47 houses had been constructed on the 7000 Road Nullah at New Karachi. On a query, the deputy commissioner-Central said he had issued notice to the occupants. At this, the chief minister said that his government would give plots to the 47 house owners.

(By Tahir Siddiqui Dawn, 13, 17/07/2021)

DHA, CBC served notices in encroachment case

Like the Orangi and Gujjar nullahs, encroachment on seasonal stream and storm drain in posh localities like Defence Housing Authority (DHA) and Clifton should be demolished too, pleaded a petition moved by over a hundred citizens before the top court of the province.

Hearing the plea pertaining to the appalling state of sewerage and rain water disposal in DHA and Clifton areas, the [Sindh](#) High Court issued notices on Monday to the DHA, Cantonment Board Clifton and other parties.

A two-member bench comprising Justice Muhammad Shafi Siddiqui and Justice Agha Faisal conducted the hearing.

The petitioners' counsel maintained that encroachments built on Mehmoodabad drain were not razed and the demolishing operation was only carried out on the slum settlements along the drain.

He contended that the big buildings located in the jurisdiction of DHA were not demolished. The counsel pointed at such encroachments in Khayaban-e-Jami, Gizri Creek and several other areas of DHA and CBC. Besides, he argued, a private university of the DHA and several other installations of the authority are built on the drain.

He appealed to the court to direct the removal of encroachments on drains in DHA and Clifton as the same has been ordered in the rest of the city.

The bench issued notices to the relevant authorities seeking their replies. Besides, it sought a report on the cleaning of storm water drains and sewerage mechanism in the city.

Durrani's bail plea

Another two-member bench comprising Justice Muhammad Ali Mazhar and Justice Muhammad Iqbal Kalhoro directed the accused in the assets beyond means case against Sindh Assembly Speaker Agha Siraj Durrani to cooperate with the National Accountability Bureau (NAB) in its inquiry.

The bench was hearing bail pleas filed by Durrani and other accused.

During the hearing the NAB prosecutor maintained that accused, Muhammad Chachar Ghulam Murtuza and others, were not cooperating in the investigation. There is evidence of corruption and the lack of cooperation by the accused was hindering the investigation, he argued.

The court directed the accused to cooperate with NAB and adjourned the hearing till August 2.

According to NAB, the reference against the prime accused has been filed and the accused have challenged a call-up notice issued by the anti-graft watchdog before the court.

(By Newspaper's Staff Reporter, The Express Tribune, 04, 20/07/2021)

Federal minister seeks alternative houses for displaced families

Federal Minister for Information Technology and Telecom Syed Aminul Haque on Monday asked the Sindh government to provide alternative residences before the next spell of monsoon rain to the owners of leased houses demolished during the anti-encroachment drive.

The minister, who is part of the three-party Karachi coordination committee of the federal and provincial governments, was talking to reporters during a visit to the Gujjar and Orangi nullahs to monitor the pace of cleaning work by the National Disaster Management Authority (NDMA).

He was briefed by officials of the NDMA, the Karachi Metropolitan Corporation and Katchi Abadi department.

Mr Haque said that the federal government was extending full cooperation to the Sindh government for the solution of Karachi's problems.

He directed the authorities to complete the storm-drains' cleaning work before a new spell of rain in order to save people from inconvenience.

He stressed the need for expediting the process of allotment of alternative residences to the displaced people and urged the provincial authorities to speed up their efforts in that regard.

Mr Haque said while drains' cleaning work was vital for saving Karachi from a catastrophe in case of heavy rains, it was also important to provide shelter to the people displaced.

"We are satisfied with the work being carried out by the NDMA and FWO at Gujjar and Orangi nullahs," he said.

Answering a question, he said that his party, the Muttahida Qaumi Movement-Pakistan, supported all the decisions of the apex court against all illegal actions.

About federal-funded Green Line bus rapid transit project, he said buses for the transport scheme would reach the metropolis next month and the project would be launched in September.

He said the federal government had released funds for the K-IV water supply scheme and the Water and Power Development Authority had undertaken the project.

He said the MQM-P was taking all possible steps at all forums for the solution of Karachi's longstanding problems.

(By Newspaper's Staff Reporter, Dawn, 14, 20/07/2021)

Governor wants rehabilitation of 'squatter settlements'

Governor Sindh Imran Ismail on Monday underlined the need for transformation of temporary squatter settlements into developed areas with proper health, education, drinking water and road infrastructure facilities.

He was chairing a high-level meeting here at Governor House, said a spokesperson.

The meeting discussed various options with regard to the development of Jamshed Quarters, Pakistan Quarters and katchi abadis on federal government land(s) in Karachi.

(By APP Dawn, 14, 10/08/2021)

KDA demolishes encroachments

The Karachi Development Authority has said that in compliance with the orders of the Supreme Court of Pakistan, the authority was carrying out large-scale anti-encroachment operation in the metropolis.

In a news release on Wednesday, the authority said that it had demolished illegal constructions in Korangi and Landhi towns by using heavy machinery.

(By APP Dawn, 13, 12/08/2021)

Gujjar Nullah affectees ineligible for compensation, SHC told

The bureaucracy has declared people evicted from their homes during the anti-encroachment operation along Gujjar Nullah ineligible for compensation.



These people are encroachers, therefore they do not deserve any compensation or rehabilitation, said the Central District deputy commissioner in his written response submitted before the Sindh High Court (SHC) on Thursday.

The court has put the response of the DC concerned on record in the petition against non-payment of compensation to the Gujjar Nullah affectees.

A single-judge bench comprising Justice Muhammad Ali Mazhar heard the petition in which DC Central submitted his response, claiming that the lease granted by the Sindh Katchi Abadi Authority (SKAA) was also illegal as lease could not be granted on land meant for water channel, hence, the affectees shall not be compensated in cash or rehabilitated at any other location.

He said the affectees were squatters who encroached upon the land of Gujjar Nullah by carrying out illegal construction.

The Supreme Court of Pakistan has ordered the demolition of illegally constructed buildings alongside the water streams. An operation was being carried out against the illegal construction alongside water channels in order to save people's lives in case of heavy rains.

The DC, in his response, said that the Karachi Metropolitan Corporation (KMC) has cancelled its lease granted in respect of the land alongside 30 big water streams and rainwater drains in 2015.

Case of fake NAB chairperson

The defence counsel for a man charged with emptying the pockets of allegedly corrupt officers to save them from the NAB chairperson, called for an inquiry questioning the victims why they paid the extortion money in the first place.

"Were the victims, including senior officers of home department, actually involved in corruption that they paid huge sums to the suspects to save them from NAB inquiry," the defence counsel said in his arguments during the hearing of bail plea of Amir Hussain and his father Khalid Hussain.

The suspects, in jail for the past four months, allegedly extorted millions of rupees from high-ranking officers of the Sindh government to protect them from the NAB investigations.

Justice Muhammad Iqbal Kalhoro and Justice Shamsuddin Abbasi, while hearing the plea sought reply from the NAB prosecutor regarding the objection of the defence over the jurisdiction.

Advocate Hassan Sabir maintained that the case does not fall in the jurisdiction of the corruption watchdog. Police deal with cases of impersonation and they should be allowed to do so, he said.

(By Newspaper's Staff Reporter, The Express Tribune, 04, 13/08/2021)

KMC teams raze part of St Joseph's Church

Distressed residents watched helplessly on Tuesday as part of the St Joseph's Church in Sadiq Nagar was razed as part of the demolition drive along Gujjar Nullah.

Activists and civil society groups like the Karachi Bachao Tehreek, along with member of the Gujjar Nullah Affectees Committee, had raised alarm against the demolition on Sunday night with calls for protest against the operation. However, the Karachi Metropolitan Corporation's anti-encroachment teams were not deterred and razed roughly 30 per cent of the building.

"There was no resistance from the community. No one can protest and stop these people," said Sonia, a local resident.

The authorities had marked 11 per cent of the only church in the area as 'encroached' but they razed over 30 per cent of it, lamented Sonia. "There are over 4,000 Christian people whose only place of worship was razed. The other church in the neighbourhood was torn down a couple of months ago."

Some of the local residents were hesitant to speak against the anti-encroachment teams on the record. But they complained of discriminatory attitude against the Christian community. "There was a wine shop which was marked but no dares to demolish it. There are worship places of other religions as well and they are left untouched," said one harried resident.

One elderly affectee, Zeenat, said her house was raised to the ground during the on-going operation. "But it's more painful to see our worship place being destroyed."

The locals decried that even leased structures have not been spared by the anti-encroachment teams. As they await alternate locations for rehabilitation by the provincial government - as directed by the Supreme Court - many locals whose houses have been completely or partially raised are still living atop the rubble. Some families have put up make shift tents while others reside on the debris under the open sky.

Some residents could be seen collecting iron rods from the rubble. "This is the only source of income my family can rely on," said Zeenat. For the past two months her sons have been excavating material from the debris to sell in the market.

Explaining her living situation, Zeenat said her family had limited resources and could not move. "Those who could afford to have already left the area."

According to Zeenat, the affectees have been staging protests since the demolition drives began. "Nothing happened. No one cares for our protests. No one actually counts us [as people]."

Another resident, Irum, commented on the apparent callousness of the anti-encroachment teams. "We were praying and weeping. We stared at them [as they razed the church]."

Attempts were made to reach out to officials of the anti-encroachment team for their comment but they were unavailable. One official on site told The Express Tribune that he was only following the orders issued by higher ups.

The demolition drives along Gujjar and Orangi nullahs have been repeatedly criticised by urban planners, researchers and members of civil society groups. Hundreds of families have been rendered homeless since the drive began and most await rehabilitation.

The Supreme Court had ordered the removal of encroachments along the nullahs to prevent urban flooding and smooth drainage of rain and sewage water. Local residents have argued, however, that the anti-encroachment teams are demolishing more structures than needed to clear the nullah and are preparing for the construction of a 30-foot-road on either side of the nullahs, which was not included in the plans submitted before the apex court.

The top court has also directed the relevant authorities to ensure that the affectees are provided alternative housing.

Meanwhile, criticism over demolition of the church continued to pour in. "Church is being demolished by KMC along Gujjar Nala. People are cutting through the Church diagonally, to follow contour of the road. It is not the case of widening the Nullah its about to construct road [sic]," tweeted urban planner Muhammad Toheed.

Similarly lawyer Abira Ashfaq tweeted, "This is how we treat our minorities. This is how we destroy what they built, their Church. Government of Sindh, you will have to pay [sic]".

(By Sameer Mandhro The Express Tribune, 04, 25/08/2021)

Ignoring the shelterless

IN June this year, hundreds of people protested against Bahria Town Karachi — one of the largest gated housing schemes in the country. This took place on the heels of another protest by residents of 'irregular' low-income settlements situated on either side of Gujjar and Orangi nullahs. The protesters in both instances had a common grievance: they had been deprived of their land and homes by decisions and actions taken by the government. This has become a discernible pattern. On the one hand, the state enables the construction on dubious legal grounds of residential schemes catering to the upper and middle classes, while on the other it subjects the poor and powerless to ruthless evictions. The priority, it seems, is to cater to the rich rather than serve the common man.

The same was observed by Islamabad High Court Chief Justice Athar Minallah on Wednesday while hearing a petition challenging the Capital Development Authority's ongoing anti-encroachment drive in Islamabad's katchi abadis to recover state land. He criticised the overall development model of the federal government, commenting that "elite-centric" development policies were the worst form of violation of constitutionally guaranteed rights. "Such state policies result in inequitable distribution of state assets which forms the root cause of poverty, hunger, homelessness and most of the other vices that beset humanity," he said. Justice Minallah nevertheless allowed the CDA to carry on with the operation as it was taking place in accordance with the law. The judgement notwithstanding, the chief justice's scathing criticism is not out of place. It is one thing to be unable to provide shelter for the homeless due to lack of resources. However, it is absolutely criminal to collude with real estate magnates in bending the law. Several upmarket residential schemes built on encroached or reclaimed land are a case in point. No one appears to be razing these establishments to the ground. The state must correct its self-serving ways and start thinking about the poor of this country.

(By Editorial, Dawn, 06, 27/08/2021)

KMC issued contempt notice for demolishing leased structure

The *Sindh* High Court issued contempt notices to Karachi Metropolitan Corporation's anti-encroachment director and other relevant officials on Friday for violating the court's stay on demolition of leased houses.

A single bench comprising Justice Arshad Hussain Khan heard the contempt petition pertaining to demolition of a house in FB Area on the pretext of Gujjar Nullah anti-encroachment drive. The petitioner stated that a stay had been granted on leased houses in the area and that a survey had confirmed that the house in question was not within the boundaries of the nullah.

Expressing annoyance at the KMC anti-encroachment teams, the court summoned Bashir Siddiqui, Mazhar Khan and other officials in personal capacity at the next hearing.

Con artists' defence

Meanwhile, a list of victims of con men father and son duo, arrested on charges of extorting money from senior government officers, while posing as National Accountability Bureau chairperson and director general, called into question as to what they were hiding.

"What were the victims afraid of that they got blackmailed by the suspects, what were they hiding," argued the defence counsel for Khalid Solangi and his son Amir Hussain Solangi, before the SHC. According to NAB, Khalid, impersonating NAB chairperson, collected Rs17 million from Home Secretary Amir Khurshid. He also conned the chief minister's brother-in-law Imdad Ali Shah and collected extortion money. Moreover, Khalid, posing as NAB Sindh DG extorted Rs25.4 million from Shakeel Mehar and Rs25 million from Hazrat Bakhsh Kalhoro. Others who paid extortion money to the accused included NED Engineering University Vice Chancellor Sarosh Hashmat Lodhi and former Malir DC Shaukat Jokhio.

The NAB prosecutor told the court that the said officials have accepted making these payments to Khalid.

Hearing the case, a two-member bench comprising Justice Muhammad Iqbal Kalhoro and Justice Shamsuddin Abbasi directed the NAB prosecutor to justify the arrest of Amir Hussain.

The defence counsel contended that the punishment for the father's crime could not be given to his son. Amir, 20, has been in jail since April 21, but NAB has presented nothing against him, he argued, praying the court to release his client on bail. The NAB prosecutor informed the court that a reference would be filed against Amir and Khalid Solangi by August 31. He further said The court directed the anti-graft watchdog to immediately file a reference.

(By Newspaper's Staff Reporter, The Express Tribune, 04, 28/08/2021)

3 of 4 churches along Karachi's Gujjar Nullah demolished during anti-encroachment drive

Sunday service at the St Joseph's Catholic Church at Gujjar Nullah had just wrapped up. Master Zohaib Javed of the church bid the worshippers farewell with a sad smile. The church's facade had already been destroyed in the anti-encroachment drive. Its pink and white main door lies leaning against a still existing wall. Who knows if the little church would still be there next Sunday.



A group of civil society activists and media personnel arrived at Gujjar Nullah for a tour arranged by the Urban Resource Centre (URC) where the anti-encroachment drive has been under way for months now. Recently, various areas of worship have also been destroyed.

The St Joseph's Catholic Church is the only church that is still standing of the four churches of Sadiq Nagar, the part of Gujjar Nullah that comes under Gulberg. Three Philadelphia Pentecostal Churches of the protestant Christian community have already been razed.

Across the nullah there is Kausar Niazi Colony, which comes under North Nazimabad. The nullah connects both areas from where worshippers would come to pray at these churches. But as one of them, Rehana Sohail, says they have very few people attending services at the remaining church now. "There used to be over 150 people gathered here every Sunday and it would get difficult to accommodate them all. But now there are barely 20 or 30. It is more than just losing faith. The elderly are afraid of the remaining structure falling on them and most women don't come anymore due to lack of privacy after the facade was broken two weeks ago," she said.

'The elderly are afraid of the remaining structure falling on them and most women no longer come here'

Master Zohaib Javed said that the bulldozers broke their church in such a way that a big part of their roof fell itself due to lack of support after the walls and pillars were broken down. "We wanted to rebuild our church and raise a new wall in the front but then we were informed that Frontier Works Organisation people were also going to come for their own survey. This is how it has come under various surveys and new cuttings. Bit by bit it is vanishing," he said.

Zahid Farooq of URC told *Dawn* that the St Joseph's Catholic Church also used to be a space for meetings of area residents, most of whom are Christians.

Social activist Sunila Anwar, who lives nearby, said that when the anti-encroachment people first surveyed the area and took measurements, they had said that they would have to break around 11 per cent of the church's building that was encroaching on the 30 feet that they wanted to clear around the nullah. "But it has come under the cutting area for the third time now and in this process they have broken more than what they had been saying," she said.

Younis Gill, another area resident, said that they come and break some wall and then they come again to draw a new red line and like this more and more gets broken. "Not just the church, they have been doing it for all the houses here as well," he pointed out.

"My own home was to lose 53 per cent, which was most of its frontage but by now they have bulldozed over 60 per cent and not even given us compensation. The cheque that we were given bounced, too. Besides, there are three to four families living under one roof here and the compensation is given to only one. What are the rest supposed to do?" he said.

Arif Sardar, another resident of the area, said that if they argue with the people there to break portions of their property, they break more than they had said they would as a punishment. "So we are to allow them to do as they please without uttering a word," he said. Karamat Ali of Pakistan Institute of Labour Education and Research then asked the residents to at least be strong enough to put up a united front before the bulldozers. "You have to question why this is happening. You cannot allow it to happen just like that because what is happening is wrong. It is illegal. They must provide you with an alternative place first before carrying out such an operation," he told the people.

Najma Iqbal, one of the few Muslim residents of Sadiq Nagar, pointed to her remaining dwellings with tears running down her cheeks. "It used to be a three-storey structure with 10 rooms. I don't have a husband, brother or father and nine of those 10 rooms were rented out. They were my only means of earning. But most of my building is gone now and there are fresh red markings on its remaining walls. After they are done breaking according to their new plans, I will only be left with room to fit a chair in there. How will I be able to live there?" she cried.

Nuzhat Shirin, chairperson, Sindh Commission on the Status of Women, tried to console the woman who had come out to prepare her food in a common makeshift kitchen set up by the residents. "Women are the worst hit by this anti-encroachment drive," she said. "Most homes here have lost their kitchens and bathrooms and the poor women have no privacy left."

Qazi Khizar, vice chairperson of Human Rights Commission of Pakistan, then pointed to the piles of rubble lying around the broken buildings. "No one removes the rubble and it has piled up to raise the ground level around the buildings here. Now when it rains, all the water will go into people's homes instead of flowing into the nullah," he said.

"And in all this survey work and new markings, the anti-encroachment drive people are only interested in measuring the buildings and structures. None of them are seen measuring the nullah here or cleaning it. Meanwhile, three of the five tunnels to carry the nullah flow out are completely choked with silt and garbage," he said.
(By Shazia Hasan Dawn, 13, 30/08/2021)

Former senator challenges flea market in front of St Joseph's College

Former senator and an eminent religious personality, Maulana Tanveerul Haq Thanvi, has moved a petition in the Sindh High Court against the presence of a flea market and encroachments on amenity plots in front of St Joseph's Convent School in Saddar.

The former senator's counsel informed a two-member bench, comprising Justice Irfan Saadat Khan and Justice Muhammad Faisal Kamal Alam, that the bara [flea] market, mostly run by 'illegal' immigrants, causes traffic jams and was also attracting 'criminal' elements close to churches, convents and schools and colleges located in the area.

The petitioner's counsel contended that the flea market, selling smuggled and used goods, was constructed on plots numbered C7 and C2/9. There is a girls' college in front of the plot and there is a problem of traffic jams at this place, he said, adding that it is feared that a tall building will be constructed after the construction of the bara market.

The counsel prayed the court to direct the Karachi commissioner and other relevant officials to shut down the market, which has encroached on amenity plots.

Issuing notices, the bench sought replies from the Karachi Development Authority (KDA) director-general, Lines Area Redevelopment Project director and other parties, regarding the encroachment by bara market on welfare plots in Lines Area.

Thanvi, who was elected senator on a Muttahida Quami Movement (MQM) ticket, then joined the Pakistan Tehreek-e-Insaf (PTI) and the Pakistan Muslim League-Nawaz (PML-N), before joining the Pakistan Peoples Party (PPP) earlier this month, runs the mosque and seminary founded by his father Maulana Ehtishamul Haq Thanvi when he migrated from Thana Bhawan to Karachi's Jaccoblins in 1947.

Police station on private property

In another case, the same bench sought replies from the attorney-general, the Sindh works and services department, the Karachi Cooperative Housing Society and other relevant officials on a petition pertaining to Bahadurabad Police Station allegedly set up on private property.

The petitioner's counsel argued that the Bahadurabad Police Station was set up on private land. He contended that it was illegal to set up a police station on civilian land.

The bench inquired whether the said police station was on legal grounds. "Who owns the land of Bahadurabad Police Station?" asked Justice Khan, observing that the case has been pending since 2009. The responses of the parties were not collected. If the parties do not submit answers, the court will decide the case, he said.

Bahadurabad Club

Separately, the same bench issued contempt of court notices to the Sindh Building Control Authority (SBCA) and revenue department's land director on a petition regarding alleged illegal constructions at Bahadurabad Club.

Advocate Khalil Ahmed Siddiqui, counsel for the petitioner, stated that on May 6, 2021, the court ordered the demolition of the structures. However, construction was underway despite a court order. Action should be taken against the officers who committed contempt of court.

Four-storey plaza on residential plot

The bench heard another petition challenging illegal constructions on Jamshed Road.

The petitioner's lawyer stated that a four-storey building is being constructed on the plot in front of his client's house. The lawyer moved the court to halt ongoing construction on the plot, maintaining that a complaint was lodged with SBCA but no action was taken. Legal rights are being affected by the construction of multiple storey buildings, the lawyer argued.

(By Newspaper's Staff Reporter, The Express Tribune, 05, 31/08/2021)

Where is the policy for Gujjar Nullah affectees, asks SHC

The Sindh High Court sought on Monday a policy from the provincial government and the Karachi commissioner regarding the Gujjar Nullah demolition drive.

A two-member bench comprising Justice Irfan Saadat Khan and Justice Muhammad Faisal Kamal Alam was hearing a petition filed against the demolition of three houses during the drive.

During the hearing, Justice Khan asked the deputy advocate-general whether the government had formed any rehabilitation plan for the affectees of the demolition drives. "If people [displaced by] Lyari Expressway are given alternate plots, do something for these poor people too," he remarked.

At this, the government lawyer said he could inform the court after consulting with the Sindh government.

"What is the policy for Gujjar Nullah affectees? Will they be given alternate plots or compensation?" inquired the bench. The court asked whether the Sindh government had formulated a policy yet.

Thousands of families along the Gujjar and Orangi Town nullahs await compensation and rehabilitation since they were rendered homeless by demolition drives ordered by the Supreme Court as measures to clear up the nullahs of encroachments and blockages to ensure smooth drainage of rainwater. The apex court had also directed the government to ensure compensation and rehabilitation. Some leased structures have been granted stays by the courts.

At least three churches have also been demolished during the drive while residents, many of whom who now live over the rubble, complain that the authorities have yet to clear out the rubble from the razed structures and yet to begin cleaning of the actual nullahs.

The affectees have also petitioned the courts maintaining that the authorities have razed more structures to construct 30-foot-wide roads on either side of the nullah, which was not included in the plan approved by the apex court.

They have further alleged that more houses than needed are being razed besides bringing up the matter of leased structures being marked as encroachments.

In this case, the petitioner's counsel apprised the court that three properties of his client were razed during the demolition.

Directing the Sindh government and the Karachi commissioner to submit the official policy regarding Gujjar Nullah affectees, the bench adjourned the hearing till September 15.

Inquiry sought

Meanwhile, a petition seeking an inquiry into the blaze inside a factory in Mehran Town, which left at least 16 labourers dead, was filed before the SHC.

The petitioner, advocate Nadeem A Sheikh, has requested an urgent hearing of the petition as it is a matter of public interest.

The petition notes that the court has already issued orders directing the government and city administration to take fire safety measures and ensure they are implemented. It contended that the lives of 16 workers were lost and the Karachi Development Authority, the Karachi Metropolitan Corporation and the Sindh Building Control Authority were responsible. There was only one entry and exit point, no emergency exits, it stated, adding that workers had scrambled to the roof to save their lives but found the doors locked.

The petitioner argued the relevant SSPs were responsible for such industrial establishments existing. Public institutions have ignored the standards and regulations set for safety and allowed such substandard factories to operate.

The petitioner maintained that at least a SSP-level officer should be appointed to investigate the tragedy and prayed the court to issue directives for compensation for the families of those killed.

The aggrieved families should be compensated with Rs5 million instead of the Rs1 million proposed and those responsible for the tragedy should be identified and prosecuted under murder and attempted murder charges, prayed the petitioner.

(By Newspaper's Staff Reporter, The Express Tribune, 04, 31/08/2021)

Gujjar Nullah affectees move SC for constitution of larger bench

Counsel for Gujjar Nullah affectees has approached the Supreme Court seeking constitution of a larger bench to avoid public controversy regarding the exercise of suo motu jurisdiction under Article 184 (3) of the constitution in the case.

In an application moved by Faisal Siddiqi, the affectees said: "These proceedings have and will have far-reaching implications for the fundamental rights of thousands of affected individuals, entities and groups as well as legal precedential implications for future judicial adjudications and for this reason also the constitution of a larger bench (is needed)."

Siddiqi has also moved similar applications in three other cases for the formation of a larger bench or full court.

A three-judge bench of the apex court led by Chief Justice of Pakistan (CJP) Gulzar Ahmed will take up review petitions against its orders regarding the demolition of several buildings in Karachi.

Regarding the application in the Gujjar Nullah case, Siddiqi stated that the review application deals with the demolition of thousands of houses, buildings, structures and dispossession of over 50,000 people. Therefore, as a consequence of various orders passed by the apex court relating to demolition, an intervener application was filed by the petitioners.

Giving grounds for making the application for constitution of a larger bench or a full court to adjudicate the matter, the counsel said that the present application involves proceedings under Article 184(3), especially the suo motu proceeding. He highlighted that these also included fundamental and complex questions of constitutional and legal importance, especially those that related to fundamental rights and the smooth and efficient functioning of the entire judicial system.

He said: "Some of these fundamental and complex questions of constitutional and legal importance are, inter alia, as follows: Firstly, what are the jurisdictional and procedural parameters (i.e. scope, powers, limitations, rights and duties) in the exercise of jurisdiction under Article 184(3). Secondly, is there a criterion for the structuring of judicial discretion as to the choice of cases of public importance involving the enforcement of fundamental rights under Article 184(3)?"

The counsel said the legal grappling with these questions also raised questions about the parameters and the extent of due process rights of affected parties in the exercise of jurisdiction under the said article.

He questioned whether the scope of the exercise of review jurisdiction under Article 188, read with Order XXVI, Supreme Court Rules, 1980, was similar or different in relation to judgments and orders passed under Article 184(3), adding that this was also important due to the fact that the proceedings under the constitutional provision begin and end at the apex court without any remedy of appeal before any forum including the apex court.

"Fourthly, whether the Honourable Supreme Court can open and undo closed and past transactions as a result of previous judicial adjudications or interfere in proceedings pending before the relevant judicial forums including the honourable high courts? And if such undoing or interference is legally permissible then what are the parameters for exercising such jurisdiction under Article 184(3)," he added.

He said that it is most respectfully and most humbly submitted that the, inter alia, aforementioned fundamental legal questions have yet to be conclusively settled by the apex court through an authoritative judgment.

He said there has been a recurring public debate raising doubts about such proceedings under the said article in the public arena and opined that in order to avoid further public controversy and to further reinforce public confidence, the constitution of a larger bench or full court was needed. (By Newspaper's Staff Reporter, The Express Tribune, 03, 21/09/2021)

SC gives a year to resettle demolition affectees

The Supreme Court gave the Sindh government a year's time on Wednesday to rehabilitate the affectees of the anti-encroachment operations at the Gujjar, Mehmoodabad and Orangi nullahs.

A three-member bench led by Chief Justice of Pakistan Gulzar Ahmed and comprising Justice Ijazul Ahsan and Justice Qazi Muhammad Amin Ahmed and the Sindh Advocate-General (AG) Salman Talibuddin exchanged heated words as the latter cited a lack of funds.

As the hearing began at the Karachi SC Registry, the CJP inquired about the progress on Gujjar Nullah and was informed by Talibuddin that the Board of Revenue had submitted its report. "Alternate space has been allotted to the affectees on 258 acres of land, where more than 6,000 houses will be built," said the Sindh AG.

Dissatisfied, Justice Ahsan remarked that the government was making promises for the future.

At this, the Sindh government's lawyer cited a lack of funds and contended that work would begin if Bahria Town Karachi (BTK) funds were received.

"You have received your money. What sort of claims are you making? You have given it in writing," remarked the CJP, irked at the provincial government's request for Rs10m of Bahria Town funds to be released.

Referring to the commission formed by the apex court to oversee the disbursement and utilisation of BTK funds last October, Justice Ahsan said that the commission would decide how the funds would be spent.

"If your government does not have funds, it means it is not functional. It does not have money for the people but it is still running all other affairs and has funds for ministers," remarked the CJP, adding that the top court would decide how the BTK funds are spent.

"You are pinning hopes on money that hasn't arrived yet. The funds haven't come but the whole world is ready to receive them," added Justice Ahsan.

At this, the AGP contended that Rs70 billion out of Rs462b have been deposited.

Discussion in the courtroom grew heated as advocate Talibuddin argued that the provincial government was seeking the release of its own funds.

The CJP remarked, however, that it was not Sindh government's money and it should refrain from laying claim to the funds.

During the hearing, Attorney General of Pakistan (AGP) Khalid Jawed Khan stated that BTK funds should be spent on Sindh's people. "The Centre is ready to make way for Gujjar Nullah affectees. Both the governments must sit together."

Justice Ahsan observed that the money would be spent on the people of Sindh but the court will decide on it.

The Sindh AG could not satisfy the court with his arguments and replies.

"The whole of Karachi is full of filth. No one is ready to take responsibility. There are overflowing gutters. The city submerges after a little bit of rain. Trillions of rupees come in foreign aid but they say they do not have funds," rebuked the CJP. "The same is true for the Sindh and federal governments. If you cannot provide service to people then what is the purpose of the government?"

Expressing anger, the court suggested the provincial government approach the World Bank or the International Monetary Fund (IMF) for funds as it does for other works.

At this, advocate Talibuddin argued that the foreign aid was for development works and those were being done.

His reply was dismissed by the CJP, who remarked that no work was being done.

The CJP directed the Sindh government to implement the court's orders and inquired about the action taken against the officials who issued leases on which leased structures were built.

Advocate Talibuddin replied that issuance of leases was a 40-year-old matter, which irked the court further.

The top court ordered the government to ensure rehabilitation of the affectees within one year and manage with the available resources. Sindh Chief Minister Syed Murad Ali Shah was directed to submit an initial implementation report within two weeks.

Parks and recreation

Separately, the bench directed the relevant authorities to restore the lands of Aladin Park and the Pavilion End Club to their original condition and directed the Sindh government to release the required funds.

The top court inquired about the Kidney Hill Park and the Karachi YMCA ground as well, directing the government to ensure the reclaimed land is not used for any other purpose.

Karachi Commission Navid Ahmed Shaikh and the Sindh government were directed to construct parks on Pavilion End Club and Aladin Park land. (By Nasir Butt The Express Tribune, 04, 23/09/2021)

SC orders demolition of 15-storey Nasla Tower in Karachi after one month

The Supreme Court on Wednesday dismissed a review petition against its earlier order to demolish a 15-storey building, known as Nasla Tower, after hearing the counsel at length.

On a request for granting some time to the occupants of the building, a three-judge SC bench comprising Chief Justice of Pakistan Gulzar Ahmed, Justice Ijaz Ul Ahsan and Justice Qazi Mohammad Amin Ahmed directed the Karachi commissioner to start the demolition work after one month.

In June, the SC bench had ordered the demolition of the building as a part of it was encroaching on the land meant for a service road. The builder filed a review petition through senior counsel Munir A. Malik, who submitted that he was on general adjournment when the matter was heard and decided.

The bench said it had heard another counsel for the petitioner at length, but asked Mr Malik to advance his arguments.

The bench dismisses the review petition of builder against its previous order

He argued that the building had not encroached upon the service road, adding that out of 1,044 square yards, 780 square yards were allotted and the remaining area was also obtained by the petitioner after paying the authorities as 23 other plot owners did.

He contended that the area in excess to allotment land neither belonged to any government authority nor private party.

The counsel further maintained that the 780 square yards was also not leased as there was no lease in the Sindhi Muslim Cooperative Housing Society (SMCHC) and it had filed a suit in the Sindh High Court in 1980s in this regard and the same was still pending.

While questioning the report of the Karachi commissioner, Mr Malik requested the court to appoint a court official to inspect the building in order to determine whether or not a portion of the building was encroaching upon the service road.

He also asked the bench to issue a notice to SMCHC.

The CJP asked why the court gave an order for inspection when the documents were available with it.

Justice Ahsan said that according to the report of the commissioner, among other things the land meant for service road was also encroached upon.

The bench in its earlier order had ruled, "After examining the entire record and scrutinising the reports submitted by all concerned agencies and departments, we are in no manner of doubt that the tower in question (Nasla Tower) has indeed been constructed on encroached land which amongst other things has also blocked a service road."

It had also directed the builders to refund the amount to registered buyers of residential and commercial units within three months.

Details of all amenity plots sought

The bench also directed the city administration and other authorities concerned to come up with a comprehensive report on the next hearing regarding all 'ST' plots (amenity plots) located in Karachi in the light of the master plan and details about utilisation of such plots.

The court issued such directives while hearing the cases of the South City Hospital and Ziauddin Hospital.

In June, the apex court while issuing show-cause notices to them asked why the hospitals may not be removed from 'ST' plots since they were running commercial health facilities on land meant for amenity purpose.

On Wednesday, senior lawyer Anwar Mansoor Khan filed a reply to the show-cause notice on behalf of Ziauddin Hospital and partly argued about the definition of 'ST' plot and would continue his arguments on the next hearing.

The bench allowed the South City Hospital to file a reply before the next hearing after one of the owners of the hospital appeared in court and requested for time.

Demolition of Aladdin Park completed, SC told

The Karachi commissioner submitted that the demolition of Pavilion End Club and all commercial activities on the premises of the Aladdin Amusement Park in Gulshan-i-Iqbal had been completed.

The bench directed him to restore the land into a park.

In June, the apex court had ordered the demolition of club, shops and all other commercial structures on the premises after observing that the Aladdin Park was converted into Pavilion End Club and membership was being offered against heavy fees along with carrying out other commercial activities.

The bench had made it clear that no private company would be allowed to operate on the subject land and the Karachi Metropolitan Corporation would run it as a park.

(By Ishaq Tanoli Dawn, 13, 23/09/2021)

Machhar Colony dwellers don't want to be 'deceived in name of uplift'

Spread over 4.5 square kilometres, Machhar Colony is believed to be the oldest and the largest slum area of Karachi.

The neighbourhood is home to more than half a million people, as suggested by a senior official of the deputy commissioner office, with hardly any planned facility of daily necessity.

Also known as Muhammadi Colony, it was once the hub of alien population of the city mostly comprising Bengali and Burmese, majority of those over the years have got themselves registered with the national database and acquired local identity.

The population is largely associated with the neighbouring fish harbour and Karachi Port Trust as labourers.

Residents are apprehensive about government's relocation plan for them

Living in uninhabitable environment for decades, the dwellers of the slum are hardly aware of the fresh development announced by Minister for Maritime Affairs Syed Ali Zaidi on Saturday.

While announcing to build the Karachi Coastal Comprehensive Development Zone (KCCDZ) that will spread over 640 hectares on the western backwaters marshland of the KPT, the KCCDZ will revamp Machhar Colony resulting in relocation of its more than half a million population.

It is not yet clear what lies ahead for the slum dwellers.

Though the federal minister has announced that the residents of the Machhar Colony would be offered alternative housing under a resettlement scheme, many of the residents are apprehensive that whether the government plan to move such a huge population will meet a success or not.

"There are 20,000 or 25,000 families living here [Machhar Colony]," said Shahab Alam, an area resident, who questioned the minister's claim that the government would relocate the families from Machhar Colony to build the KCCDZ.

Mr Alam is a socially active and known personality in the locality due to his association with the community organisation Karachi Bengali Forum.

He was not fully aware of the KCCDZ plan and saw it with suspicion and believed that it would be a tough job for the government to meet the desired results.

"We don't even have drinking water here," he said. "We live in narrow streets which are carpeted with garbage and our children roam around amid blanket of flies and mosquitoes. It would be good if we are offered better place but it should be a fair deal. We can't afford any deception in the name of development. Even amid the worst living conditions, we don't want to get thrown out from here [Machhar Colony] in the name of development only on the promises of alternative place to live."

Mr Alam's concerns reflect the challenges which may arise when the government finally launches the KCCDZ but the sketchy plan doesn't elaborate the areas along with Machhar Colony which will be affected in the city's coastline revamping project spanning over 1,500 acres.

“Every project sounds good on paper,” says Mr Alam. “The real challenge comes when it is applied over the ground. It’s not the first time that we have heard anything from the government for Machhar Colony and its people. From [General] Zia ul Haq to [General Pervez] Musharraf we were told about the promising plans and rosy pictures were shown but the fate of Machhar Colony and its people have never changed.”
(By Imran Ayub Dawn, 15, 26/09/2021)

New evictions?

THE poor of Machhar Colony should prepare for another disaster. On Sept 25, the federal government announced its grand initiative — the Karachi Coastal Comprehensive Development Zone — which is directly linked to CPEC investments and apparently set to attract Chinese investment of \$3.5 billion.



Spread over 640 hectares (1,581 acres) of prime coastal territory, the proposed development is meant to upgrade port facilities, create a new fisheries port and have connecting links with Manora and Sandspit. Machhar Colony, a typical katchi abadi, will no longer exist.

Apart from the environmental fallout, the proposed plan will dislocate half a million people. Given Karachi’s track record, promises of resettlement and rehabilitation do not materialise. Thousands of hapless households uprooted by the ‘removal of encroachments’ and cleaning of nullahs are waiting to be resettled. Large-scale real estate developments along the Superhighway have also caused

thousands to lose their homes and livelihoods — without being compensated. It appears that the federal and provincial governments, despite their political discord, both agree that Karachi’s poor should be evicted — out of sight. Only promises are made for surveying, upgrading and leasing katchi abadis. Nothing moves on the ground.

Not too long ago, the Sindh chief minister directed the Sindh Katchi Abadis Authority (SKAA) and senior officials to prepare a plan to upgrade 100 katchi abadis in the province to the level of townships. An official presentation apprised the chief minister about the current situation of katchi abadis. Nothing practical followed. Many government officials are averse to the idea of such upgradation. Some quarters believe that katchi abadis are scars on our urban face and must be replaced with ‘neat’ and ‘orderly’ structures. The local political elite in urban Sindh consider katchi abadis as vehicles for in-migration to cities, particularly from KP and now Afghanistan. Realtors view them as potential goldmines and lobby for allowing high-rise development.

Machhar Colony is next on the list of demolitions.

Katchi abadis have emerged due to faulty and inadequate land supply for housing the urban poor. At independence, millions of newcomers opted for urban locations, jhuggis (non-permanent shacks were allowed in open tracts). Several such settlements grew rapidly. The government then came up with rehabilitation schemes but these were not commensurate with the number of refugees. Soon economic compulsion forced millions to move towards the cities that offered employment in industrial enterprises. Left helpless by the state, they helped themselves, though in an unsystematic manner. The banks of the Lyari and Malir rivers and the edge of the Gujjar Nullah and other drains became desirable locations for the poor due to the low cost of making a home. The government initially tried to bulldoze the settlements but soon realised that it was a difficult task.

Learning from planned settlements, katchi abadis adopted grid iron rectilinear layouts. Many government functionaries developed clandestine links with this process for hefty monetary benefits. In addition, some pilot projects and the individuals behind them became a catalyst for improving physical conditions. Dr Akhtar Hameed Khan and Arif Hasan evolved pilot initiatives for the social and physical uplift of katchi abadis that delivered replicable outcomes. The NGO Saiban came up with the option of targeted land supply to stem speculation and corruption. Popularly called Khuda ki Basti, the model schemes were developed in several areas and cities by different organisations.

Katchi abadis extend perhaps the only option of housing to the urban poor. Instead of being demolished, most merit a technically viable and socially acceptable regularisation. Besides, upgrading katchi abadis should not be seen as a project. With rising urbanisation and the high cost of formal city housing, this phenomenon is likely to intensify. Transformations are being experienced in the context of katchi abadis. Replacement of low-rise housing with informally developed high-rises is visible in settlements close to the city centre in Karachi. The rising cost of water supply through tankers is a common mode of service delivery. Electricity and gas supply is also increasing for the poor. Whereas some think that the poor enjoy free services, the reality is that they pay many times more than residents of planned neighbourhoods. But these transactions are done in a completely informal manner.

The SKAA can learn from available sources of information, and the staff and leadership of Saiban and similar organisations. The authority should formulate short- and medium-term plans with community involvement at all levels of work. This is the only approach that has delivered credible results in our katchi abadis.

(By Noman Ahmed Dawn, 07, 29/09/2021)

Plea against Nasla Tower demolition rejected due to limited scope of review jurisdiction: SC

The Supreme Court has said that additional grounds were raised during the hearing of the review petition against the demolition order of Nasla Tower, but due to limited scope of review jurisdiction the same cannot be permitted.

A three-judge SC bench comprising Chief Justice of Pakistan Gulzar Ahmed, Justice Ijaz Ul Ahsan and Justice Qazi Mohammad Amin Ahmed had dismissed the review petition against the demolition of the 15-storey Nasla Tower on Sept 22 through a short order. The court issued the detailed judgment, authored by Justice Ahsan, on Tuesday.

The apex court observed that it repeatedly asked the petitioner counsel to show any title/registered lease deed about the allotment of area in excess of 780 square yards, but the response was the same as the petitioner again relied upon two letters which did not in any manner had the effect of modifying or substituting lease deed.

The judgement said that during the course of proceedings it was brought to the notice of the court that the building had not only encroached a portion of the service road but the same had also been constructed on an area in excess of what was allotted in the lease deed being 780 square yards.

It further said that the counsel for the petitioners were banking on the two letters issued by an assistant secretary to the chief commissioner-Karachi addressing to the collector and municipal commissioner to allot to the Sindhi Muslim Cooperative Housing Society (SMCHC) 20-foot-wide land strips on both side of the Karachi Malir Road, now called Sharea Faisal, in front of the land allotted to the SMCHC on payment of full market price.

The argument made was that such letters conferred title/leasehold rights of the additional land notwithstanding the fact that the registered lease deed had been executed in favour of the owners relating to allotment of a plot measuring 780 square yards in their favour.

Further, there is no denial of the fact that the original deed was never amended or modified nor a fresh deed covering the additional area claimed by the owners of the tower was executed by the competent authority on the basis of such letters, it added.

The apex court further said: "We came to the conclusion that the same did not in any manner have the effect of modifying or substituting the lease deed executed and registered by the SMCHS in favour of the original allottees which lease deed constituted the basic and foundational document upon which the subsequent infrastructure of lease and conveyance has been raised."

It also noted that the counsel for petitioners had raised additional grounds during hearing of the review petition, but owing to limited scope and nature of review jurisdiction and settled principles of law on the subject, raising fresh pleas and treating the review petitions as a rehearing of the matter cannot be permitted.

After hearing the counsel for the petitioner, the order said that the bench was not persuaded to take a different view as it was not convinced that any ground for review of the earlier order was made out.

About the case of allottees/possessions holder, the bench said, they sail and sink with the owners of the tower in view of the fact that the building in question had been constructed on encroached land and they could not be given any premium on the basis of their assertion that they were bona fide purchasers.

In June, the SC had ordered the demolition of the tower and directed the builders to refund the amount to the registered buyers of residential and commercial units within three months.

The builder filed a review petition through senior counsel Munir A. Malik, who submitted that he was on general adjournment when the matter was heard and decided. The bench had said it had heard another counsel for the petitioner at length during earlier proceedings, but asked Mr Malik to advance his arguments.

He had argued that the building had not encroached upon the service road, adding that out of 1,044 square yards, 780 square yards were allotted and the remaining area was also obtained by the petitioner after paying the authorities as 23 other plot owners did.

He contended that the area in excess to allotment land neither belonged to any government authority nor private party and the 780 square yards was also not leased as there was no lease in SMCHC and it had filed a suit in the Sindh High Court in 1980s in this regard and the same was still pending.

(By Ishaq Tanoli Dawn, 14, 29/09/2021)

SHC stays demolition of 'industries' in Mehran Town

The Sindh High Court on Friday restrained the provincial and local authorities from sealing and demolishing the industrial and commercial units located in Mehran Town.

A single-judge bench headed by Justice Syed Hasan Azhar Rizvi also issued notices to the local government secretary, Karachi Development Authority (KDA) and Sindh Building Control Authority (SBCA) as well as the advocate general for Oct 20.

However, the bench made it clear that its interim restraining order would cease to have effect if any order of the Supreme court had been passed in respect of the land where the subject plots were situated.

The KDA had recently cancelled the allotment orders of around 1,400 plots in Mehran Town, Korangi over misuse of such residential spaces for industrial and commercial purposes.

The KDA made the decision apparently in the aftermath of the killing of 16 industrial workers when a fire had engulfed a factory in Mehran Town in August. A police report stated that the ill-fated industrial unit was operating in a residential area.

Several individuals and firms, through their lawyers, filed three suits in the SHC stating that the plaintiffs along with all other owners/title holders of plots were operating commercial establishments, which were taken over in the shape and form as existed at the time of purchase by them.

The counsel contended that as per the site plan/scheme all 160-sq-yds plots were designated for industrial use and no-objection certificates had also been granted to plot owners to use their plots for specific commercial and industrial use.

They further argued that the plaintiffs were doing legal businesses on most of such plots in their possession in accordance with law, but the defendants without issuing any notice were attempting to demolish their buildings after obtaining approval from competent authorities.

(By Ishaq Tanoli Dawn, 13, 02/10/2021)

SBCA, KDA restricted from sealing, razing factories in Mehran Town

The Sindh High Court (SHC) has issued a stay on action initiated by the Sindh Building Control Authority against more than 40 factories in Mehran Town.

The court was hearing a set of pleas by factory owners challenging the cancellation of leases, sealing and demolition of said factories following the blaze at a luggage factory which left at least 16 workers dead.

The petitioners' counsel informed the court that his clients were allottees of plots in Mehran Town and Korangi. The counsel maintained that the Karachi Development Authority (KDA) had handed over possession of these plots to the petitioners after receiving all required dues. Now, however, the KDA and the SBCA are trying to demolish the factories built on these plots without giving prior notice, said the counsel.

"The KDA's land management department allegedly notified the cancellation of leases through a public notice," said the petitioners' counsel, arguing that the KDA did not even hear the petitioners' concerns.

The court restrained the SBCA and the KDA from taking action against Mehran Town allottees and issued a stay on sealing and demolition of the petitioners' factories, the cancellation of leases and suspension of utilities at the said factories.

However, the court clarified that the stay granted by SHC would not hold for action directed against these factories by the Supreme Court. Moreover, the SHC issued a notice to the Sindh government seeking its reply on the matter by October 20.

Notices issued Meanwhile, the SHC issued notices to the driver and owner of a vehicle involved in a road accident, which left a man dead, seeking their replies by November 2.

The widow of Abdul Ghani, who was killed after a speeding vehicle rammed into his motorcycle in remits of Malir Police Station, has sought over Rs10 million in damages from the respondents.

The petition, moved through the widow's counsel, states that Ghani was critically injured in the accident and succumbed to his injuries at the hospital.

The counsel contended that the accident occurred due to over speeding and negligence by the driver of the vehicle. He argued that the deceased was the sole breadwinner for his wife and two daughters and sought more than Rs10m in damages.
(By Newspaper's Staff Reporter, The Express Tribune, 04, 05/10/2021)

Jauhar residents decry encroachment

The service roads and footpaths have disappeared from many areas of Gulistan-e-Jauhar due to encroachment.

The allegedly corrupt elements in the Karachi Development Authority (KDA) have sold out 150-foot-wide service roads and sidewalks to businesses, fast food, and restaurant owners, locals told The Express Tribune during a survey of the area between Jauhar Mor and Kamran Chowrangi.

There is a coterie of politically well-connected officers who, through their subordinates, collect millions of rupees per day from the encroachers squatting on the service lanes and footpaths of Gulistane Jauhar, a man selling chicken rolls on Jauhar Chowrangi.

"Millions of rupees are being embezzled on weekly basis," Zameer Ahmed, a local resident claimed pointing out that markets have been set up on service roads.

The owners of fast foods, snack bars, and nurseries have squatted upon the sidewalks and service road in the entire Gulistan-e-Jauhar neighborhood. The top bosses of KDA only give media statements while citizens continue to suffer.

The citizens have demanded immediate action from higher authorities and investigating agencies against KDA officers selling service roads and sidewalks.

Sources said, the most important area of the city, Gulistan-e-Jauhar, has become a stronghold of the land mafia as well as encroachment mafia.

Residents said that various kiosks and fast food kiosks have taken over the service road and turned it into a dining area. The silence of the KDA officers in Gulistane Jauhar is astonishing despite the bold occupation of the service roads.

According to the residents of the area, there are roads and sidewalks for sale in Gulistan-e-Jauhar. Citizens have demanded strict action against the officers selling service roads and sidewalks.
(By Newspaper's Staff Reporter, The Express Tribune, 04, 16/10/2021)

SC annuls SHC's stay on encroachment

The Supreme Court, in a major development, lifted the stay order of the Sindh High Court in Gujjar Nullah, Orangi Nullah and Mehmoodabad encroachment cases.

A bench, headed by Chief Justice of Pakistan Justice Gulzar Ahmed and comprising Justice Ijazul Ahsan and Justice Qazi Muhammad Amin Ahmed, heard the cases.

The counsel of KMC argued that the petitions on which the restraining order was issued were fake leases. KMC is removing encroachments on all nullahs on the directives of the Supreme Court.

The Sindh High Court is issuing restraining order and contempt proceedings. "Our officers are facing contempt of court proceedings every day."

The apex court remarked that houses on fake leases and charismatic constructions should be demolished immediately. The Supreme Court ordered the removal of all encroachments.

Case of Aladin Park, Pavilion End Club

Meanwhile, the Supreme Court has sought a report from Karachi Commissioner regarding Aladin Park and Pavilion End Club.

A bench headed by Chief Justice of Pakistan Justice Gulzar Ahmed and comprising Justice Ijazul Ahsan and Justice Qazi Muhammad Amin Ahmed held a hearing on Aladin Park and Pavilion End Club at the Supreme Court Karachi Registry.

Chief Justice Gulzar Ahmed inquired the Karachi commissioner about the progress in the matter. "Has a public park been built there?"

The commissioner informed the court that steps have been taken to remove the encroachments. The court directed the commissioner to take action and submit a report.

Affectees protest

Meanwhile, the Gujjar and Orangi Nullah affectees reached outside the Supreme Court Karachi Registry.

A large number of senior citizens and women joined the protest. Demonstrators chanted "Ghar kay badlay ghar do, Wazir-e-Azam insaf karo". The victims said that alternative houses should be arranged for them. They appealed that their lifetime earnings may be saved from being looted. "Arrange an alternative home first and then demolish the house," they demanded.

SC order on KDA Park

The Supreme Court has ordered the Karachi Development Authority (KDA) director general to take measures to restore Authority's park and playground.

A three-member bench, headed by Chief Justice Gulzar Ahmed, heard the case related to garbage in a park in Sector 5, New Karachi. The CJP remarked that the playground was littered with rubbish.

"Go and secure the park lands. Furniture and other facilities should be provided to the park visitors," the CJP remarked. The court directed the DG KDA to personally inspect the park.

The apex court directed the DG KDA to submit a report within a month.

End of occupation on park land ordered

The Supreme Court has ordered to end all occupation of park lands in Karachi Cooperative Housing Society.

A bench, headed by Chief Justice Gulzar Ahmed and comprising Justice Ijazul Ahsan and Justice Qazi Muhammad Amin Ahmed, heard the case of occupation of park land at the Supreme Court Karachi Registry.

Chief Justice Gulzar Ahmed inquired where the KDA DG was? In whose jurisdiction does the PECHS fall?

Being unaware of the facts, the KDA DG told the court that it did not come within the jurisdiction of KDA. "I don't know whose limits it is in."

The apex court ordered immediate end to occupation of park lands. The court sought progress report from Karachi commissioner and other officials. The court also sought reports from KDA, KMC and other officials.
(By Newspaper's Staff Reporter, The Express Tribune, 04, 26/10/2021)

Displaced families to be rehabilitated in two years, CM Murad tells SC

The Supreme Court on Monday expressed serious resentment over the provincial and local authorities for not addressing the issue of encroachments on public spaces, illegal constructions and unauthorised allotments as well as little progress regarding rehabilitation of affectees after demolition drive around three nullahs of the city

A three-judge bench headed by Chief Justice of Pakistan Gulzar Ahmed observed that Karachi's civic agencies were powerless and officials were under the fear of being transferred as the director general of the Karachi Development Authority (KDA) informed it that he got a stay order from the high court against his removal hardly three month after his appointment.

At the outset, the bench also comprising Justice Ijaz Ul Ahsan and Justice Qazi Mohammad Amin Ahmed issued directive for immediate appearance of the Sindh Chief Minister Murad Ali Shah after provincial law officer Salman Talibuddin could not give a satisfactory reply about the progress regarding rehabilitation of the people displaced after a demolition drive around Gujjar, Orangi Town and Mehmoodabad nullahs.

The CM appeared in court and submitted that initially the cabinet had approved Rs1 billion and 250 acres of land for resettlement of the displaced persons but a sum of around Rs10 billion was required to complete the project.

The bench expressed its displeasure over the CM when he repeatedly tried to plead that Rs10bn may be provided for such a project from the funds being deposited by the Bahria Town Karachi with the Supreme Court.

He also complained that the federal government was also not properly providing the province's share of revenue.

Justice Ahsan asked the CM not to bank on the money that was still in the air as the matter was subjudice and the apex court's implementation bench was looking after this matter. "It is the constitutional and legal obligations of the government to resettle displaced people," the judge added.

Eventually, the chief minister agreed and assured the bench that remaining amount of Rs9bn would also be generated / arranged by the provincial government and the process of rehabilitation would be completed in two years.

About the removal of encroachments, Mr Shah submitted that they were implementing the court orders, but there was also a human angle about displacement of people and said he was seeking guidance from the bench.

Justice Ahsan said that the authorities concerned had illegally leased out the land around nullahs to the people and allowed them to construct houses.

He asked as to who was running the city as its civic agencies were powerless and even the master plan of the city had gone missing, adding that civic authorities were virtually non-functional.

The judge further said that there was a systemic failure and this city needed proper system and organisation to run it, adding that the CM was not suppose to run the city, but to run the province.

While referring to the statement of the KDA chief about his transfer order, Justice Ahsan said that provincial government needed to stand behind such institutions for the betterment of the city.

Justice Ahsan recalled a statement of the Sindh advocate general made on the last hearing that the province had no money to rehabilitate affectees and said that it was an alarming situation as how the second largest province of the country could make such a statement.

The chief minister claimed that the civic authorities were empowered under the law. However, he asserted that they were facing shortage of human resources as 12 posts of grade-21 officers were laying vacant as the federal government had not provided the services of such officers despite many requests.

The bench directed the Attorney General for Pakistan Khalid Jawed Khan, who was present during the proceedings, to resolve the issue.

The CM said that the Sindh Public Service Commission had been dysfunctional since April in the light of a judgement of the Sindh High Court and the government had filed an appeal before the apex court. He requested the CJP to take up the issue.

The CJP asked the CM that no new housing society had been launched during the past 40 years in the city, adding that situation in Hyderabad, Sukkur and other parts of the province was not different from Karachi as there were also issues of encroachments and lack of infrastructure.

The CJP said that a common man could not access CM and his ministers and there was a need for restoration of the local government system in the province.

About the transfer and posting of officers, Justice Ahsan said that there was a judgement of the apex court in this regard and the authorities cornered would have to record cogent reasons in writing if they transferred an officer before the time set in the order.

Wahab earns SC ire

The SC bench came down hard on Karachi Administrator Murtaza Wahab about encroachments on amenity plots and other public spaces and failure of local authorities to clear them and directed him to submit a report about encroachments and the action taken to restore parks and amenity plots.

The administrator submitted that there were 136 ST plots (amenity plots) in district South, 64 in West, 11 in East and eight in Central district of the provincial metropolis.

When the bench asked him what action had been taken to restore such plots for intended purposes, the administrator sought time and submitted that there was a human angle.

The CJP snubbed him and said that he was not summoned to deliver a lecture on human angle but to inform the bench about the action taken to vacate the public spaces of the city from encroachers.

The administrator said that they had digitalized the record of revenue being generated through parks, shops and huts owned by the Karachi Metropolitan Corporation, adding that he was trying to increase the revenue of the KMC and they were going to enhance the revenue of filling stations being operating on KMC land.

At this juncture, Justice Ahsan said that there was an order of the apex court about filling stations and there must be an open auction and space be provided at market rates.

The CJP directed the administrator to provide all the information regarding encroachments on roads, footpaths, amenity plots, parks and all other public spaces of the city and how many public spaces had been vacated.

Mr Wahab said that there were 46 parks under the administrative control of the KMC, but a representative of NGO Shehri pointed out that only those parks spreading over two-acres area came within the domain of KMC and the rest belonged to the district municipal corporations.

The CJP again expressed his displeasure over the administrator and said, "Don't try to be extra smart."

He said that the anti-encroachment cell of the KMC was doing nothing as most of the city had been encroached upon, but it was not filing any complaint/case since currently no case was pending before the anti-encroachment tribunals of the city.

Approved master plan sought

The bench also directed the KDA chief to produce old record of land and the approved master plan of the city in one week as well as details of ST plots and also make efforts for restoration of the amenity plots.

The bench also summoned the senior director-master plan along with record after it was informed that the master plan section did not fall under the administrative control of the KDA and its officials were also not cooperating.

KDA DG Asif Memon informed that bench that he assumed office on Aug 4, but he was removed from the post and an "OPS officer" had replaced him. However, he said that he got a stay order from the SHC.

He informed the bench when he asked the local government minister whether he or the chief minister were unhappy with him, the minister replied that the "system" was not happy over his appointment.

The CJP remarked that the "system" was operating outside the country. However, the KDA-DG said that some people part of the "system" were also here.

(By Ishaq Tanoli Dawn, 13, 26/10/2021)

Another demolition

THE closing act in the battle over the 15-storey Nasla Tower in Karachi has been set in motion. On Monday, the Supreme Court ordered that the structure be vacated by today and demolished through a controlled blast within a week; given the Sindh government admits it does not have the expertise for such an operation, there are valid safety concerns.

A three-judge apex court bench had found in June that a sizeable part of Nasla Tower had been constructed on encroached land meant for a service road and ordered it to be torn down. The fate of the building was sealed when the court dismissed a review petition by the owners/builders last month and gave the occupants a month to move out. Suffice to say, many residents' dreams of having a home of their own will be buried underneath the rubble of Nasla Tower.

Addressing the massive land-use irregularities prevalent all across Karachi — encroachments on amenity plots, unauthorised allotments, illegal construction, etc — is a laudable undertaking. The precious real estate of Pakistan's financial hub has for some years become a theatre of blatant racketeering. Many government functionaries and unscrupulous builders have given short shrift to regulatory laws and connived to make illegal profits and deprive state coffers of due revenue.

However, one cannot ignore the human suffering that often results when trying to right these wrongs, many of which are decades old. This aspect was also highlighted on Monday when the Supreme Court bench expressed its displeasure at the Sindh government over its lack of progress in rehabilitating the thousands of families displaced following demolitions along the Gujjar, Orangi Town and Mehmoodabad nullahs. Moreover, when the writ of the law seems to be enforced selectively while some offenders ignore the apex court's rulings with impunity, the sense of injustice is further sharpened.

Consider that clearing of encroachments has by and large taken place on land administered by the Sindh government. Structures illegally built in cantonment areas continue to remain standing despite orders dating from August 2018 onwards to pull them down. To discourage such practices, authorities who have enabled the encroachment on public spaces by giving people electricity and gas connections should be held accountable and punished. And this accountability must be applied without exception across all areas of Karachi so that all the many land-owning agencies in the city know that 'institutional clout' cannot afford them any escape.

(By Editorial, Dawn, 06, 27/10/2021)

Plan to seek experts' help for 'controlled blast' of Nasla Tower in Karachi

All utility connections — water, electricity and gas — were on Tuesday disconnected from Nasla Tower as the city administration decided to invite open bids through advertisements for "controlled blasting" demolition of the illegally-constructed 15-storey building at the intersection of Sharae Faisal and Shahrah-i-Quadeen.

Karachi Commissioner Muhammad Iqbal Memon chaired a meeting at his office to discuss with the experts from Frontier Works Organisation (FWO), Sindh Building Control Authority (SBCA), mines and mineral department and others the demolition of the building using controlled detonation in compliance of the Supreme Court's orders.

The meeting after thorough deliberations on the technical and seismic aspects of the task decided to immediately issue advertisements in the newspapers inviting tenders from the demolition firms for razing the building within a week as ordered by the apex court.

Earlier, the commissioner also wrote to the FWO seeking assistance in razing the illegal building.

Water, power and gas lines of the 15-storey building disconnected

He requested FWO Director General Brigadier Qasim Nawaz Gondal to furnish technical and seismic feasibility of Nasla Tower within two days for taking necessary action to demolish the building.

The commissioner also requested him to provide the ground support to the divisional and district administration for the demolition process.

Earlier, the utility connections were disconnected from the building in compliance with the directives by the commissioner, who was ordered by the SC to ensure demolition of Nasla Tower in a week.

Assistant Commissioner, Ferozabad, Asma Batool had on Monday written a letter to three utility agencies, asking them to stop providing amenities to the residents of Nasla Tower in compliance with the SC directions.

The AC wrote to the K-Electric, Karachi Water and Sewerage Board and Sui Southern Gas Company Limited that plot No A-193 of the Sindhi Muslim Cooperative Housing Society would have to be deprived of the utility connections by them in compliance with the SC order of September 22.

The Supreme Court had on Sept 22 dismissed a review petition against its earlier order to demolish the 15-storey building.

The court had also asked the Karachi commissioner to submit a compliance report and ensure the building was vacated.

(By Tahir Siddiqui Dawn, 27/10/2021)

Apex court orders removal of houses from PECHS greenbelt

The petition of the residents of the Pakistan Engineers Cooperative Housing Society (PECHS) Block-6 against a K-Electric grid station on an amenity plot backfired on them when the top court declared that their houses were also constructed on a greenbelt and should be demolished.

In a major development, the Supreme Court has ordered to completely clear the green belt of PECHS Block-6, and demolish all houses and other structures.

A bench headed by Chief Justice of Pakistan Justice Gulzar Ahmed and comprising Justice Ijaz-ul-Ahsan and Justice Qazi Muhammad Amin Ahmed heard a petition in the Supreme Court Karachi Registry against K-Electric regarding construction of grid station on green belt in PECHS.

Justice Ijaz-ul-Ahsan, in his remarks, inquired the petitioners' counsel, "Are your houses also constructed on the green belt?" Shua-un-Nabi, counsel for the petitioners, stated that his case was not as such. "Our case is that the society gave the amenity plot to K-Electric," the counsel argued.

Chief Justice Gulzar Ahmed remarked angrily, "Did you come to the court with clean hands? Even your own houses are constructed on the green belt."

The chief justice asked who appeared on behalf of the PECHS. The court remarked that K-Electric was running a private business and should relocate its grid station elsewhere. "Residents also did not come with clean hands so their houses should also be demolished."

The Supreme Court has ordered to restore the park to its original condition on the amenity plot in Block-6. The court also issued notices to K-Electric, residents and PECHS society and adjourned the hearing till next date.

The power utility said in a statement, "with reference to the recent news reports about K-Electric Mehmoodabad Grid Station Case, the Honourable Supreme Court has dismissed the appeal on the ground that the petitioners have come to the court with unclean hands as the petitioners are themselves residing on the greenbelt."

However, the K-E press release said, the appeal was converted into a Suo Moto Proceedings and notices were issued to all concerned stakeholders including K-Electric. "The company awaits the notice issued by the Honourable Supreme Court to summon it for the next hearing where it will present its legal stance. As a responsible corporate company, K-Electric respects the Honourable Court and is fully committed to follow its orders," it said.

Askari Park

The Supreme Court has issued notices to the KMC Municipal Commissioner on the application for commercial use of Askari Park at Old Sabzi Mandi. A bench headed by Chief Justice of Pakistan Justice Gulzar Ahmed and comprising Justice Ijaz-ul-Ahsan and Justice Qazi Muhammad Amin Ahmed heard the petition on the commercial use of Askari Park at Old Sabzi Mandi.

The petitioner said that illegal shops were being set up in Askari Park. Building a bazaar in the park violates the law and the agreement, while the park administration has illegally set up a wedding hall.

He said that at the time when the vegetable and fruit market was removed from the area, the park administration had agreed to plant 27,000 trees in the park. However, there are not even 100 trees in the park. The chief justice remarked that this agreement also looks fake.

(By Newspaper's Staff Reporter, The Express Tribune, 04, 27/10/2021)

Tenants start vacating Nasla Tower

The process of vacating the 15-storey residential building Nasla Tower has started under the orders of the Supreme Court. The tenants of Nasla Tower have started shifting their belongings.

People living in rented apartments have started moving out, whereas, many people who own their apartments have refused to budge. Ferozabad Assistant Commissioner Asma Batool gave the residents of Nasla Tower till October 27 to vacate the building.

The assistant commissioner said that as soon as the deadline given by the Supreme Court expires, "we will take over the building." Hopefully, she said, "no force will be used to evacuate the building. If the victims do not get their money back, they should file a case in court."

Connections of electricity, water and gas to the 15-storey residential building were cut off a day earlier on the orders of the apex court.

On Wednesday, tenants of the 44 flats in Nasla Tower began shifting their belongings. People were seen loading furniture, electrical appliances and household items on trucks and other transport vehicles. The flat owners, however, were still residing inside the building.

The apartment owners have announced that they would not vacate the flats until they received full payment from the builders.

"We will not leave until we get our money back," the flat owners said, adding the Sindh government should apprise them the procedure of getting their money back. "If the Karachi commissioner gives us our money back, we will leave," they said. "The building's water, electricity and gas connections have been cut off, which is absolutely wrong," they added. "We have not yet been given a refund plan."

Meanwhile, Ferozabad Assistant Commissioner Asma Batool reached Nasla Tower to meet the victims. Talking to media after meeting the residents of the building, she said that she had talked to the victims who have said that they would vacate the building soon.

"Victims have assured that they are evacuating. Illegal buildings in the city are being identified and demolished. We have requested the victims to contact the builders in the light of the orders of the Supreme Court. If the victims do not get their money back, they should file a case in court," she said.

On the other hand, political parties also continued to express solidarity with the residents of the building. Pakistan Tehreek-e-Insaf (PTI) leader and Leader of Opposition in Sindh Assembly, Haleem Adil Sheikh, and Pak Sarzameen Party (PSP) chairman Mustafa Kamal reached Nasla Tower and expressed solidarity with the victims.

Talking to media, Haleem Adil Sheikh said that he had met the Nasla Tower victims. "All matters aside, it is not the fault of the occupants. Fifteen story building was constructed and no one was there to stop it from being constructed. Victims should be given more time for shifting," he said, adding that he would talk to the prime minister and the Sindh governor to help the victims. Police personnel were also deployed outside the building for security reasons.

Meanwhile, an advertisement issued by the Karachi Commissioner for demolition of the building said that the 15-storey concrete building was to be demolished in the safest and quickest way in light of the orders by the Supreme Court.

"This requires the help of demolition companies in the demolition of the building through controlled implosion. Those interested should contact the Karachi commissioner's office in person or by email within three days," the advertisement read.

(By Newspaper's Staff Reporter, The Express Tribune, 05, 28/10/2021)

Restore parks, orders SC

The Supreme Court, while issuing a written verdict in the encroachment case, ordered the immediate restoration of playgrounds and parks across the city.

It ordered that they be returned to their original form and the court also sought details of welfare plots across Karachi.

The apex court also termed the report of Karachi Administrator Murtaza Wahab as unsatisfactory and directed the activation of a tribunal against the encroachments and to file cases.

In the written verdict, the apex court said that playgrounds and parks across the city should be restored to their original form immediately.

All facilities should be provided to the citizens in parks and playgrounds. The written decision stated that Wahab had said in his statement that 9,500 shops of KMC have been rented at very low prices. KMC huts on Hawke's Bay were also rented at a much lower rate.

The Supreme Court directed the Karachi administrator to provide full details of all the shops.

The apex court has also ordered immediate restoration of the Gutter Baghicha Park to its original condition. "Corruption has taken an administrative form in Sindh. All legal means should be exercised to eradicate corruption," the court remarked.

The SC has also directed the administrator Karachi to approach the tribunal against the encroachments. The Supreme Court has sought a report from Administrator Karachi Barrister Murtaza Wahab in the encroachment case within two weeks.

Nullah victims The Supreme Court, while issuing a written order for the hearing on October 25, sought a report from the Sindh government every month with photographs on the rehabilitation of nullah victims.

The apex court said that the system of KDA, KMC and other relevant administrative bodies had failed. The hasty transfers of heads of civic bodies have led to poor governance and the transfers have not led to the implementation of policies, it observed.

A bench, headed by Chief Justice of Pakistan Justice Gulzar Ahmed and comprising Justice Ijazul-Ahsan and Justice Qazi Muhammad Amin Ahmed, issued a written order for the October 25 hearing.

(By Newspaper's Staff Reporter, The Express Tribune, 04, 28/10/2021)

Encroached Karachi

The Supreme Court's standing orders on removing encroachments across the board in Karachi are on the spot. The apex court's Karachi Registry also directed the Karachi commissioner to demolish a 15-storey residential building, and ensure that the affectees are duly compensated. Seized with the issue of Karachi's developmental mosaic, the top court has maintained a categorical stance and wants compliance with its orders, so that all houses and structures built on fake leases and amenity plots are pulled down.

Daredevil illegal constructions, especially, on the city's three drainage arteries, have converted the metropolitan into a disdained slum. It results in flooding and to this day has hampered provision of proper civic amenities to millions of residents. As pointed out by the top court, while referring to malpractices in planning and allotments, the major concern is where the authorities had disappeared when the city's landmass was being encroached and haphazard concretes raised. This hints at connivance on the part of revenue, municipality and the provincial authorities for a price tag. And all this goes on at the cost of ruining the city and leaving it at the mercy of ad hocism and a criminal psyche.

The court has time and again castigated the provincial government and the concerned bodies on their performance, urging them to rectify their deeds. Karachi needs a new master plan of development, and should fall under an effective and empowered local government. Seized under a suo motu, the judiciary has voiced for proper dissemination of powers and an accountable administration for the largest cosmopolitan of the country. It's high time for the executive to deliver on its mandatory count, and pull the city out of shambles.

Karachi's biggest enigma is that it is ghettoised into cantonments, corporate societies and an unmanned municipal sway. Coupled with this is the menace of corruption and so-called China cutting. As far as removal of encroachments and erasing of illegal structures is concerned, there shouldn't be any pick and choose.

(By Editorial, Dawn, 14, 28/10/2021)

SC gives lawyer time to establish ownership of Tejori Heights plot

The Supreme Court on Thursday observed that apparently the counsel for builders of Tejori Heights, Gulshan-i-Iqbal, remained unable to establish the ownership of the land being used for the construction of a multi-storey building on the plot.

However, the builders' lawyer again requested for some time to seek instructions from the his clients when the three-member bench headed by Chief Justice Gulzar Ahmed was intending to pass an order. The hearing was put off for the day.

The other members of the bench are Justice Ijaz Ul Ahsan and Justice Qazi Mohammad Amin Ahmed.

The under-construction building is located near near the abandoned Gilani railway station of the Karachi Circular Railway. Pakistan Railways has claimed that the subject land had been allotted for the KCR and the same had been encroached upon by the builders.

When the matter came up for hearing on Thursday, senior counsel Raza Rabbani, representing the builders, made further submissions as he had also argued in the matter on Oct 25 and 26. However, he could not give a satisfactory reply to several questions raised by the bench to establish the title of the land.

Last ditch efforts by builders to save under-construction building from demolition

The CPJ observed that the construction on the land appeared to be illegal as the documents produced in the court were manipulated, and remarked that one could get any document from the board of revenue against a bribe.

He asked the lawyer to get instructions from his clients whether they were going to demolish the building or the court should pass an order in this regard.

Justice Ahsan asked the lawyer that the power of attorney only related to survey 190 and it did not speak about survey 188 or any other surveyed or Na-class (un-surveyed land).

He further said that there should have been a fresh sale deed for new/substitute property as title could not be transferred by rectification of general power of attorney or sale agreement.

While responding to another argument of the counsel, Justice Ahsan said that if the sale deed of the property in question was made in 2015 then why they waited for five years for rectification. The rectification deed could not constitute a sale deed, he added.

The counsel also drew the attention of the bench to a decree issued by a senior civil judge in 1989 about the land in question but Justice Ahsan observed that how adverse possession decree and ex-parte decree could be issued about a state land.

When Mr Rabbani attempted to bank on a summary approved by the then chief minister about the subject land, the CJP said that the CM had nothing to do with it as he had no powers to grant government land to any private person.

The bench observed that till the cancellation of the sale deed of survey 190, allotment could not be made in survey 188.

The counsel argued that there was a typographic mistake regarding survey 190. However, the CJP did not agree saying that 'survey 190' was written everywhere in the documents.

The lawyer repeatedly requested the bench to send the matter back to the Sindh High Court where a suit about the land in question was filed by Pakistan Railways.

In December last year, the apex court had ordered immediate suspension of work on Tejori Heights and barred the builders from creating a third-party interest.

It had said that on the basis of documents, prima facie there was no right of Tejori Heights on the land in question and directed the commissioner of Karachi to take over the site till further order.

The lawyer for the PR had contended that the land belonged to the railways and an illegal construction was being made on the basis of forged documents.

Later, the builders had filed a review petition before the apex court against its earlier order. However, on Oct 25, Mr Rabbani informed the bench that he was withdrawing the review application and willing to make arguments as an intervener in another application filed by the railways about the subject land in the apex court. The bench allowed him to advance his arguments.

(By Newspaper's Staff Reporter, Dawn, 13, 29/10/2021)

Apex court marks Tejori Heights for demolition

The Supreme Court has declared the under-construction building of Tejori Heights in Gulshan-e-Iqbal 13-D locality illegal and the process of transferring its land a criminal offence.

Chief Justice of Pakistan Justice Gulzar Ahmed, in his remarks, said that the court will give its finding that the building is illegal. "We will order the demolition of whatever structure is constructed on the plot with detonators," the CJP remarked.

"Illegal construction is a never ending process and if not stopped, it will continue," he said.

"You can get anything done from the revenue department by paying money," Justice Gulzar remarked on argument of defence counsel Raza Rabbani.

A Supreme Court bench, headed by the CJP and comprising Justice Ijaz-ul-Ahsan and Justice Qazi Muhammad Amin Ahmed, heard the petition of Pakistan Railways against the construction of Tejori Heights on alleged land of the Karachi Circular Railway (KCR).

Counsels for Tejori Heights Raza Rabbani, Abid Zubairi and others appeared in the court. Justice Ijaz-ul-Ahsan remarked that the defending party had no power of amendment other than the power of attorney. "The property was not transferred. Even if the amendment was allowed, the survey was 190. How can you claim an amendment in Survey 188?" Justice Ahsan asked.

Rabbani argued that the first sale deed of the suit land was made in 2011. Justice Ahsan remarked that the power of attorney belonged to Survey No190. The court asked how they could write the address of another property instead of one? The method adopted for transfer of land falls under the ambit of criminal offense."

Justice Ahsan said that the transfer of land took place so quickly that the mistakes were obvious.

Rabbani argued that there was occupation in Survey No190 and therefore alternative land was taken from Survey No188. "I think I am not being able to explain my position to the Supreme Court," Rabbani contended.

Justice Qazi Muhammad Amin Ahmed replied that the entire bench has understood what the defence counsel's case is.

The court said that the title may have been changed in government departments but not under the law. Justice Ahsan remarked that it was up to the defence to make claims against the government departments.

"It is clear that the property is not yours. We are yet to decide whether the land belongs to the Railways or not," the judge said.

The Supreme Court sought a reply from the defence counsel regarding demolition of the building.

The chief justice told the defence counsel to ask his client to reveal whether he would demolish it by himself or demolition orders would have to be issued. The court adjourned further hearing of the case till October 29.

(By Nasir Butt The Express Tribune, 04, 29/10/2021)

SC orders demolition of under-construction Tejori Heights

After 15-storey Nasla Tower, the Supreme Court on Friday ordered demolition of an under-construction multi-storey building in Gulshan-i-Iqbal and gave the builder and authorities four weeks to implement its order.

The court directed the Karachi commissioner and builders to demolish Tejori Heights Tower after the counsel for builders could not establish the ownership of the land being used for the construction of the residential complex.

A three-judge bench headed by Chief Justice of Pakistan Gulzar Ahmed and comprising Justice Ijaz Ul Ahsan and Justice Qazi Mohammad Amin Ahmed also directed the builders to refund the amount to allottees within three months.

It also asked the commissioner to ensure that the process of demolition and removal of debris was completed within the stipulated period.

On Thursday, the bench had observed that the construction on the land was illegal as documents produced in court were manipulated and could not prove the ownership of the builders on the subject land.

Builder, commissioner given four weeks to implement order

The court was about to pass an order when senior counsel Raza Rabbani, representing the builders, sought time to consult his clients. The CJP adjourned the matter for Friday and asked the counsel to get instructions from his clients whether they were going to demolish the building on their own or the court pass an order.

When the bench took up the matter on Friday, Mr Rabbani informed it that the builders agreed to demolish the structure by themselves and sought time to remove files of the allottees from the site office for purpose of payment of compensation.

Earlier, the bench had put several questions to the counsel regarding the documents placed before it and to justify the title of the land, but he could not come up with a satisfactory reply.

During the proceedings, it was surfaced that the land allegedly purchased by the builders related to Survey No. 190 while the project was being built on a different land located in Survey No.188. The bench had observed that till the cancelation of the sale deed of Survey 190, allotment cannot be made in Survey No 188.

Justice Ahsan had said that there should have been a fresh sale deed for new/substitute property as title cannot be transferred by rectification of general power of attorney or sale agreement.

The lawyer for Pakistan Railways, Raja Qasit Nawaz, had argued that the land in question had been allotted to the railways for the Karachi Circular Railways (KCR) and an illegal construction was being made by the builders after preparing forged documents of the land.

The under-construction building is located near the abandoned Gilani railway station of the KCR in Block 13-D, Gulshan-i-Iqbal.

In December last year, the apex court had ordered immediate suspension of work on Tejori Heights Tower and barred the builders from creating a third-party interest after observing that on the basis of documents, prima facie there was no right of Tejori Heights on the land in question and directed the commissioner of Karachi to take over the construction site till further order.

The project is owned by the Karachi Town Builders and Developers and the proprietor of the company is Javed Iqbal Qureshi, who is father-in-law of politician and businessman Kamran Tessori.

The PR had last year lodged an FIR against Tessori for allegedly encroaching upon railways land measuring 2,783 square yards.

Removal of marquees from Hindu Gymkhana ordered

The same bench directed the National Academy of Performing Arts (Napa) and authorities concerned to remove the marquees and other temporary structures within the premises of Hindu Gymkhana in two months as the same were affecting the heritage character of the building.

It also directed the culture secretary and Karachi commissioner to provide alternative accommodation to Napa, housing in the heritage building of Hindu Gymkhana.

After examining the pictures of the gymkhana, the bench noted that some of its windows at ground floor were of aluminium while the first floor of the building had wooden windows of old style and ruled that original character of the windows should be restored.

The bench also took exception to the construction of an auditorium by Napa and said that how such construction could be made on the premises of a heritage site.

The lawyer for Napa submitted that the auditorium was built behind heritage building for its activities without blocking the view, its arch and façade.

The counsel further argued that the Hindu Gymkhana premises had been given to Napa on 30-year rent lease following an agreement with the provincial culture department and litigations were pending before the Sindh High Court about an eviction notice and alleged changes affected to the building and construction.

After viewing the pictures lawyer for Napa had annexed with his pleadings the apex court observed that it did not provide a clear view of the building from all sides.

It issued directives to take pictures and make videos providing clear view of the gymkhana building and structures raised around it and present the same at the next hearing.

About relocation of Napa, the culture secretary proposed the Jinnah Cultural Complex, located in North Karachi, but counsel for Napa submitted that he was not aware of any such complex and could make a final decision after visiting it.

The bench observed that Napa should be relocated to such a place which was easily accessible and had enough space with a world class auditorium and related facilities and directed the commissioner to look for space and come up with proposals.

A petition was filed by Shree Ratneshwar Mahadev Welfare in 2014 stating that the heritage site belonged to the Hindu community of Karachi before partition as the gymkhana building was established for the promotion of social and religious activities of Hindus, but the government took it over as an evacuee trust property after partition. Therefore, the petitioner argued that directive may be issued to Napa to vacate the building and hand it over to the Hindu community.

CJP berates culture secretary

The CJP also came down hard on secretary culture department over dilapidated conditions of heritage buildings of the province and asked him that what his department was doing to protect and preserve such sites.

He remarked that there were countless buildings with pre-colonial and colonial era and instead of preserving the heritage sites, such buildings were being demolished and replaced with high-rising structures.

(By Ishaq Tanoli Dawn, 13, 30/10/2021)

‘Encroachments’ demolition leaves a trail of human misery in Karachi

The people affected by demolition of encroachments along with Gujjar and Orangi Nullahs, Karachi Circular Railways tracks and Bahria Town raised their voices against climate injustice, anti-poor development and the builder mafia during a ‘Karachi Bachao Tehreek’ conference held on the topic of ‘Land rights and the housing crisis in Karachi’, which also brought together activists, journalists and community organisers working on land and housing rights at the Institute of Business Administration on Sunday.

Several women victims of demolition spoke about their plight during the discussion on gender and resistance.

Maria Yaqub, who lost her late parents’ home at Gujjar Nullah, said that the demolition changed her life. “We are now all getting organised and working towards bringing about a revolution,” she said.

Victims share how their lives were shattered by bulldozing of houses built along drains

“With our homes gone, we were left to fight for ourselves. There was suddenly no water, no electricity, no gas and above all no privacy. We were left with no choice but to fight back,” she said.

Ayesha Malik, one of the KCR affectees, said that they were issued notices along with innumerable threats two years ago “but we came out to hold our ground. We fought back and saved our homes. Today when I see that Gujjar Nullah and Orangi Nullah people left without a roof over their heads, I say to myself that it could have been us. We fought and we refused to accept what was being said would be our fate. We were outnumbered but we knew that we have God Almighty on our side. Today we have learned to fight for ourselves and for others,” she said.

Sonia Arif, whose home at the Gujjar nullah was also bulldozed, said that she is just a simple housewife. During a protest at Bilawal Chowk, her little son’s feeder got lost. “I was arrested along with my little boy. He was crying because he was hungry. But I held my ground despite having lost my home 11 months before that,” she said.

Zara Islam said her entire neighbourhood was demolished. Her family was against her stepping out to raise her voice against the injustice. “But my home was being broken. How could I have turned away from that reality? When the KMC officials arrived with bulldozers, I was alone at home. They ordered me to come out or they will bulldoze me as well. But I refused. I was arrested and my home flattened anyway. Still I fight and urge others to fight with me,” she said.

An affectee of Orangi Nullah said that her home worth Rs four million was demolished and she was still awaiting compensation.

Another affectee pointed out that the compensation was only handed out in front of the media, and that, too, to ‘friends’ of officials.

“Common and poor folks like us are still awaiting our cheques. Some of us are not even taken into account with no IDs registered,” she said.

“People here go for individual goals, not collective for betterment,” said Yousuf Masti Khan of the Awami Workers Party when talking about the lack of planning by the government that failed to develop the city in accordance with influx of population.

“There were no surveys carried out as people came and settled in Karachi, which only had a population of 300,000 before Partition. But the city grew rapidly without anything being done to expand its infrastructure,” he pointed out.

“And as this happened, and more resources and land were needed, the indigenous people of this city were uprooted as their goths or settlements were flattened in favour of new landlords and industrialists. Even now, whenever there is talk of building a new Karachi, the indigenous fall prey but with that they are killing this city’s history, culture, traditions, language and heritage,” he said.

Rukhman Gul Palari, professor at the department of Sindhi, University of Karachi, said that by ruining the heritage of people, you just erase or finish them. “Here people are quite unaware of the relics being destroyed in the name of coming up with new recreational spots and housing schemes,” he said.

He said that the Malir river's catchment area, which kept Malir green, has been turned into a kind of dam as DHA City and Bahria Town have been built around it. "The results of this will be felt soon. The livelihoods of the indigenous through agriculture, poultry and livestock, along with all flora and fauna of the area will be destroyed as factories will come up in the green belt to further ruin the environment," he lamented.

Earlier, the Karachi Bachao team explained in depth the method of the survey used by the government before the demolitions.

"It was an aerial survey carried out with the help of a drone. There was no proper ground, door-to-door survey. The survey done never calculated the human cost. There were more than one family living in a house, which the aerial survey didn't show. Also there were more homes demolished than the count given so many will get no compensation. There were 70,000 homes bulldozed but the government figure is 435."

Jahazaib Baloch, a local of Malir, Amna Baloch of Baloch Yakjehti Committee, psychologist and activist Maazah Muhammad Ali, writer and community organiser Aiman Rizvi and another affectee Arif Hussain also spoke among others.
(By Shazia Hasan Dawn, 13, 01/11/2021)

Encroached parks, playgrounds

It is the public that has to be the foremost — rather sole — beneficiary of open spaces like parks, playgrounds, service lanes, parking lots, etc. In Karachi, unfortunately, open spaces are the land mafia's mouth-watering favourite. At places in the metropolis, such spaces have been illegally occupied — fully or partially. So much so that pavements, nullahs and even graveyards have not been spared by land grabbers. Operating in connivance with corrupt government officials, these greedy land grabbers erect illegal structures on occupied land and then get them regularised. Encroachment of public spaces in Karachi thus continues with impunity. The citizens of Karachi are witness to high-rise buildings and shopping centres having come up in many such open spaces over the years.

It has, therefore, come as a welcome development that the Supreme Court has ordered the Administration of Karachi Municipal Corporation (KMC) and other relevant authorities to restore parks, including the Gutter Baghicha Park, and playgrounds at the earliest. The top court has sought a report from the administrator in the encroachment case within a fortnight. It has also sought details of amenity plots all over Karachi, as it is an open secret that a large number of such plots have been converted into residential and commercial ventures. The court described a report earlier filed by the KMC as unsatisfactory.

Parks, playgrounds and other open spaces act as lungs of cities. Rather than being encroached upon, they need to be made clean and green so as to serve as spots for public comfort and convenience. The authorities concerned must ensure that illegally occupied spaces — reserved for public parks and playgrounds as well as other recreational activities — are restored in line with the court orders. The wrongdoers must also face the music.
(By Editorial, The Express Tribune, 14, 01/11/2021)

Firms interested in razing Nasla Tower told to submit cost

The six companies, which had submitted their proposals to an eight-member committee for demolition of Nasla Tower, were on Wednesday asked to submit their respective demolition cost.

Deputy Commissioner of district East Asif Jan Siddiqui, who heads the committee, told *Dawn* that the final report on the demolition of the building would be submitted to the commissioner on Friday (tomorrow) as the interested companies had been asked to give the final cost of demolition on Thursday (today).

He said two local firms which had joint ventures offered to raze the building vial controlled implosion blast, adding that as many local firms showed interest in mechanical demolition of the building.

The DC said that two of the companies had experience of demolishing 12- to 14-storey buildings through mechanical means. He said that no building was reported to have been razed via controlled implosion blast in any part of the country.

Mr Siddiqui said that committee, which comprised technical experts, would deliberate upon the pros and cons of both the demolition methods offered by different companies.

He, however, said that the cost of mechanical demolition was far cheaper than the controlled blast demolition.

He said that the committee would recommend the "safest, quickest and cheapest" way to demolish the building. The committee was formed by Commissioner Iqbal Memon for awarding the contract of demolition of the building.

An offer of expression of interest was published in leading newspapers about demolishing the 15-storey residential building in the safest and quickest manner. The offer was issued by the Karachi Commissioner's office.

The residential project Nasla Tower is built over 1,121 square yards on Plot No193-A in the Sindh Muslim Cooperative Housing Society or SMCHS at Sharea Faisal.

The Supreme Court had on June 16 ordered the tower's demolition over its illegal construction on a service road, also directing the builders to refund the registered buyers of the residential and commercial units within three months.

On Sept 22, a three-judge SC bench dismissed the review petition against the demolition of the building and ordered that the cost of demolition of the building should be borne by the owner of Nasla Tower and if the owner did not pay, the commissioner should sell the land.

On Oct 16, the district administration severed the residents of Nasla Tower with vacation notice and on Oct 26, the utility connections of Nasla Tower were disconnected on the orders of the Supreme Court.
(By Tahir Siddiqui Dawn, 13, 04/11/2021)

Demolition of Makkah Tower stopped till Nov 8

The Sindh High Court (SHC), while issuing a written order on the petition filed by the residents of Makkah Terrace, restrained the Sindh Building Control Authority (SBCA) from demolishing the building on till November 8, stating that departments concerned are concealing facts.

The written order was issued by a two-member bench comprising Justice Zafar Ahmed Rajput and Justice Muhammad Faisal Kamal Alam. The written order states that the flat owners have all the legal documents and the departments concerned are not presenting the complete facts before the court. If the building is demolished, there will be irreparable damage. The court adjourned the hearing till November 8, ordering an immediate halt to the demolition proceedings.

Earlier the bench had rejected a verbal request of residents of Makkah Terrace seeking an immediate restraining order against the SBCA from taking final action regarding the removal of encroachments from Preedy Street.

Justice Rajput remarked that the court had ordered removal of encroachments on the Makkah Terrace. "You are an illegal allottee and your allotment process is itself incomplete. It is illegal to take up residence without a completion certificate. The court has ordered to vacate the compulsory open space," the court remarked.

"We are not shopkeepers, but apartment owners," the counsel argued, adding that the Compulsory Open Space Act applied to shopkeepers. "We live in flats upstairs which are legal structures," the counsel contended during an emotional outburst.

Justice Alam angrily remarked, "Are you here to make a speech or to legally argue the case?" The court reprimanded the counsel of the residents of Makkah Terrace.

(By Newspaper's Staff Reporter, The Express Tribune, 04, 05/11/2021)

Two firms shortlisted for razing Nasla Tower

Two out of four firms have been shortlisted for demolition of Nasla Tower by a committee formed by the city administration, it emerged on Sunday.

Well-placed sources told *Dawn* that the committee, headed by Deputy Commissioner of district East Asif Jan Siddiqui, had recommended two firms, one for demolishing the 15-storey building through implosion via controlled explosives and the other through conventional and manual-cum-machinery methods.

The sources said that the committee shortlisted ANI Enterprises for demolition of the building by way of manual-cum-machinery usage.

The company had told the committee that it would complete the task within three months and it would not charge anything for demolition, but claim the material to recover its expenses through retrieved steel and other valuable material and items.

They said that the company told the meeting that it would rather pay an amount of Rs15 million for the material, which would be shifted from the site by them.

One company is ready to demolish the building manually without charging money

The sources said that company, which had earlier demolished multi-storey Royal Park Plaza and Aladdin Park buildings, also assured that it would take safety measures by covering the building with green plastic/nylon net sheets.

They said that the committee recommended the firm for demolition of the Nasla Tower keeping in view its experience and capacity and the fact that it was rather paying then taking any money for demolition of the tower, which could be used for compensation to the dispossessed residents of the building.

The second firm was Hi-Tech Electronics, a joint venture with a UAE-based company, which was recommended by the committee for controlled implosion.

The sources said that the company presented its profile to the committee and shared a sequence for building demolition using explosives. The company also ensured that it would adopt all safety standards in demolition process. It would submit cost of demolition on Monday (today), they added.

They said another firm, Tabani Enterprises, showed interest in demolition of building by way of implosion, but it apparently lacked knowledge of the method. The firm, in joint venture with a Chinese company, said that their partners could come in for assessment of the building in 10 to 20 days and they would take further 15 to 20 days to assess the building.

They said that another firm, Mir Enterprise, showed interest in machine-cum-manual demolition of the building. They said that the firm had experience of demolishing a six-storey building in Quetta and it said it would complete the demolition within three months.

The firm also offered to charge nothing for demolition but debris of the building, they added.

(By Tahir Siddiqui Dawn, 13, 08/11/2021)

Anti-encroachment drive : Govt begins weeding out NA-Class properties

The Sindh government has finally undertaken a survey of Karachi's NA-Class land; identifying individuals and institutions who have illegally occupied state property. The government however, despite locating the encroachers, is yet to figure out a way to rid the illegally occupied land, while various such state properties still remain unidentified in other parts of the province.

According to legal experts, NA-Class refers to un-assessed or un-surveyed state land. Speaking in the regard, former bureaucrat Aftab Memon informed that it was the British colonisers who for the first time, conducted a survey of agricultural land in the region and made revenue boundaries

of the districts, talukas and Dehs. "Land other than classified as agricultural was not surveyed during the British rule. Hence the un-surveyed land was termed NA-Class land," he told.

In Karachi, most of the NA-Class land was known to be located in district Malir and the former West district. Per official data of the Sindh Board of Revenue, some 93 Dehs of metropolitan city are littered with such properties, which per a Geodatabase based Survey (GIS) conducted by the Board of Revenue's Reform Wing and Special Cell, under directives of the Supreme Court, is estimated to occupy over 6,41,000 acres the city's landmass. In addition to that, the survey also identified the city's encroached lands, which have been illegally occupied by not only individuals but also various government institutions.

According to the official report submitted by the Board of Revenue before the Supreme Court of Pakistan, at least 37,898 acres of NA-Class land is currently under illegal possession of government institutions in Karachi. The institutions include Karachi Port Trust, National Logistic Cell, Pakistan Navy, Pakistan Air Force, Lyari Development Authority, Malir Development Authority and others. Whereas, around 24,000 acres was found under illegal occupation in only two dehs of district West, Deh Moach and Deh Lal Bakhar.

Provincial Minister for Local Governments, Syed Nasir Hussain Shah admitted that most of the encroached land was still under illegal occupation in Karachi and that the Sindh government is still in the process of reclaiming these properties. "Hundreds of acres of NA-Class lands are also illegally occupied by the government institutions. Some of these institutions are however waiting for formal approval of the land by the Sindh government," he corroborated.

Meanwhile there is still thousands of acres NA-Class land in other districts of the province, which is yet to be looked into. The Board of Revenue is yet to conduct a GIS-based survey of such lands to determine number the number NA-Class properties occupied in other districts. However, per what is estimated, most of the province's NA-Class lands are said to be scattered across Kohistan, district, Jamshoro, Dadu and Thatta. "Whole the land of district Tharparkar is still un-surveyed. The government will also start survey of state land in other districts soon", Hussain informed The Express Tribune.

(By Razzak Abro The Express Tribune, 08/11/2021)

SHC sets deadline to evacuate Makka Terrace

A two-judge bench of Sindh High Court, comprising Justice Zafar Ahmed Rajput and Justice Muhammad Faisal Kamal Alam, ordered complete evacuation of Makkah Terrace within 15 days.

The court inquired about the compulsory open space of the building. The SBCA counsel said the extra construction was on the area of about eight feet. The SBCA officer said that the problem could be resolved if additional pillars were demolished.

The court remarked that if the foundations of the building may not be damaged during the process, then the extra pillars should be removed. "The builder will bear all the expenses and also pay the occupants," the court directed and asked the builder's counsel to give in writing that his client would pay all the expenses.

Builder Muhammad Waseem said that all the work would be done if one year was given. Justice Rajput remarked that one year could not be allowed. "All work should be done within one month," remarked Justice Rajput, who while scolding the residents' counsel, said that they had taken illegal possession.

"You started giving possession without obtaining completion plan. It is better for you to remain silent. One month is enough to relocate the allottees and to demolish illegal structures," the judge remarked.

Justice Alam in his remarks said that it would have been easier for the court to order the demolition of the building.

The court gave a final verdict and ordered to vacate the Makkah Terrace in 15 days. The court remarked that the building would remain vacant till the removal of illegal constructions.

Justice Rajput remarked that no one would get in the way during the operation.

The building will be re-used after the demolition of illegal structures. The builder will bear the entire cost of relocating the occupants. The builder will arrange the rental house or pay the rent to the affectees.

The court ordered the SBCA to submit a preliminary progress report after three weeks.

(By Newspaper's Staff Reporter, The Express Tribune, 04, 11/11/2021)

MQM-P moves court for Nasla Tower victims

The Muttahida Qaumi Movement-Pakistan (MQM-P) has approached the Sindh High Court regarding payment of compensation to the victims of the Nasla Tower.

The Supreme Court of Pakistan has ordered demolition of the building which was constructed illegally by the builder in connivance of the government officials.

The MQM-P has argued in the petition that the Sindh government should pay compensation to the victims of Nasla Tower. Talking to the media, MQM-P leader Kunwar Naveed Jameel said, "we have filed a petition in the SHC. Nasla Tower victims should get compensation from Sindh government."

Sindh Building Control Authority gave permission to the builder of Nasla Tower against millions of rupees, he said.

If people buy expensive property and find out later that it is illegal, where they will go, Jameel said.

The Sindh government should reimburse the amount people lost in this officially approved illegal project, he said and added that the compensation should be at par with the current market rates.

The MQM leader added that in the future, it should be ensured that institutions giving permission for construction of dubious projects should be held responsible in case the buildings turn out to be illegal.

Just as the government has compensated the victims of Gujjar and Lyari Nullahs, it should also pay dues to the victims of other projects including Nasla Tower.

(By Newspaper's Staff Reporter, The Express Tribune, 04, 12/11/2021)

Legal, leased shops razed

The Sindh High Court has issued notices to the federal government, DG Military Lands and Karachi Cantonment Board on a petition filed by the vendors of Katric Road against the anti-encroachment drive.

A two-member bench headed by Justice Zafar Ahmed Rajput heard the petition.

Usman Farooq, counsel for the petitioners, argued that legal and leased shops were demolished in the name of encroachment and no alternative location has been provided to the affectees so far.

The cantonment board should be directed to return possession of the shops to the affected vendors.

The court issued notices to the federal government, DG Military Lands and Karachi Cantonment Board and directed the parties to submit reply by November 23.

Illegal building in Katchi Abadi

The Sindh High Court has ordered action against builder Altaf Hussain of five-storey building in Shantinagar and relevant officers of the Sindh Building Control Authority (SBCA). A two-judge bench headed by Justice Zafar Ahmed Rajput heard the petition.

Petitioner's counsel contended that the builder erected a five-storey building on a plot of land measuring 200 square yards. He sought court orders to demolish the illegal construction.

The builder's counsel said that five-storey buildings have been constructed in whole of Shantinagar. "Not only me, but everyone else did the same," the builder's counsel argued.

The court reprimanded the builder's lawyer, saying, "If theft is taking place somewhere then others should also be allowed to commit the same crime? This is not an argument," Justice Rajput told the builder's counsel. How can a five-storey building be built in Katchi Abadi? It's all about whether it was allowed or not. If the construction of the said five-storey was not allowed then the building should be demolished," the judge remarked.

The SBCA counsel stated that construction of ground plus two floors is allowed in Shantinagar. The court directed the SBCA's deputy director east to appear in person at the next hearing. The court ordered action to be taken within two weeks and a progress report should be submitted.

Payment to retired employees

Meanwhile, the Sindh High Court has directed the Sindh government for immediate payment of group insurance to its employees in a petition seeking payment of group insurance to 500,000 employees of the provincial government.

The petitioner's counsel argued that in other provinces the policy amount is paid on retirement but the retired employees of Sindh are made to wait till the age of 65 years.

The court expressed anger over State Life for delaying the claims for a long time.

Justice Salahuddin Panhwar remarked that even after keeping the amount of Rs2.5 billion, you are not making claim payments. "A criminal case may be filed against the State Life Corporation," the court warned.

The provincial finance secretary said that the claims of the legal heirs of 5,000 deceased employees were pending. The court directed that the procedure for verification of claims should be simplified. The court ordered the Sindh government to pay group insurance to the employees immediately. The court directed the Sindh government to amend the law if needed at par with the law in other provinces.

(By Newspaper's Staff Reporter, The Express Tribune, 04, 14/11/2021)

Nasla Tower demolition through controlled blast to cost Rs220m

The city administration is learnt to have sought directions of the Supreme Court to finalise the demolition of Nasla Tower as one firm sought Rs220 million for razing the high-rise via controlled implosion while the other offered free-of-cost service via mechanical means.

Well-placed sources told Dawn on Sunday that Commissioner Muhammed Iqbal Memon had submitted a report to the apex court informing the pros and cons of both the methods proposed by the two shortlisted companies.

He informed the SC that no company or authority had experience in demolition of a building in urban area through controlled implosion. He said that a committee of technical experts was constituted for assessing and evaluating the expressions of interest by different companies.

SC asked to decide method for razing the 15-storey building

The SC was informed that the committee recommended a firm, Hi-Tech Electronics and Machinery/DG Demolition, which offered demolition by implosion with all safety measures, seeking 60-day time for demolition and post-demolition work.

The commissioner's report said the company had given a cost of Rs220m for demolition, including rights on debris and attached valuable material.

It said the building designs had been shared with the firm so that it could prepare a demolition plan.

It was also informed in the report that the committee had also recommended a firm, ANI Enterprises, for demolition of the building through conventional way i.e., with the assistance of machinery and manual labour.

The SC was informed that the firm had given 90 days for the demolition and removal of debris from the site free of charge, claiming the debris inclusive of valuable material. Additionally, the company also offered to pay Rs15m in the government exchequer.

Besides, the SC was informed that the Sindh Building Control Authority had been directed to start pre-demolition work, removal of windows and fulfil other pre-demolition requirement at the earliest and give progress report on a daily basis.
(By Tahir Siddiqui Dawn, 13, 15/11/2021)

Haleem accuses Sindh govt of delaying resettlement of displaced people

Leader of the Opposition in the Sindh Assembly Haleem Adil Sheikh on Monday accused the Pakistan Peoples Party (PPP) of delaying the resettlement of the people left homeless after demolition of their houses in an ongoing anti-encroachment drive.

Questioning the overall exercise being carried out by the provincial administration, he claimed that despite timely availability of funds by Islamabad, the Sindh government had not chalked out any plan for the rehabilitation of the displaced families yet.

He also demanded details of the funds being spent by the PPP government, saying it was mutually agreed between the federal and provincial governments that anti-encroachment operation and resettlement of the affected persons would be carried out simultaneously.

However, he saw political agenda behind the PPP government inaction, which had delayed the resettlement process.

'Islamabad has issued funds, but PPP govt not chalking out any plan'

"The federal government has already provided Rs35 billion of its share funds," said the opposition leader while talking to reporters after meeting the deputy commissioner of district central along with members of Zakia Bibi's family.

Zakia Bibi, whose touching video about her home's wrong demolition at Gujjar Nullah and her husband Shahid suffering cardiac arrest during the demolition that went viral on social media, suffered a heart attack that proved fatal on Friday.

Mr Sheikh along with his fellow colleagues met the family of Zakia Bibi, assured them his support and took them to the DC where they discussed possibilities of their immediate resettlement.

"I found the deputy commissioner [central district] a reasonable officer. He has assured his best possible support to resolve this issue," he said. "But where is the system? Where is the Sindh government? I doubt that it's not the administrative hurdles, but in fact a political agenda which is delaying the resettlement of the affected families."

The Supreme Court and the federal government had never asked to make people homeless. Their resettlement was conditioned with any operation, but here we have nothing for these families."

He said the Pakistan Tehreek-i-Insaf legislators and members of other opposition parties would take up the issue in the ongoing Sindh Assembly session. They would not allow the PPP government to "play politics on the lives of people", he added. He also asked the Karachi administrator to prove his impartiality and play his role for the early resettlement of the affected families.

(By Newspaper's Staff Reporter, Dawn, 14, 16/11/2021)

Encroached state land

The first phase of land record digitisation under the PM's cadastral mapping initiative has revealed the astounding scale of land grabbing in three of the country's biggest cities. The first phase of the survey covered Karachi, Lahore and Islamabad, along with land belonging to the Forest Department, Railways, Civil Aviation Authority, National Highways and Evacuee Trust nationwide. The survey also found a massive amount of encroached land, with around Rs1.86 trillion worth of land, almost 1,000 acres, belonging to the forest department alone. About Rs1 trillion of land belonging to the other government departments has also been encroached upon. Encroachers are also in possession of Rs2.63 trillion worth of state land in the three big cities.

PM Imran Khan, in a statement, noted that the encroachment of forest land had resulted in a particular double whammy, as it also led to a reduction in forest cover. Reforestation has also been a central pillar of the PM's vision, and one of the few things for which even his worst opponents give him due credit. Imran also insists that large amounts of state land are going unutilised. Promising action against all those responsible, he said that such "phenomenal" encroachment could only take place through the connivance of the political elite.

Unfortunately, the PM made his own threat of action ring hollow when he admitted that the country lacks the capacity to regain possession of encroached land. However, reforms and focus could well address this problem, at least partially. A bigger challenge will be ensuring that the long arm of the law catches up with everyone involved, and not just political opponents. After all, many will remember previous governments making similar promises, only for us to learn later that some of the most powerful men and women in those governments were later found to be profiting off encroached land.

Over the last decade, there have been several reports about PTI members being involved in encroachment, especially in K-P. Will they be taken to task once the nationwide surveys are completed in six months?

(By Editorial, The Express Tribune, 14, 23/11/2021)

FIA razes encroachment on airport land

A Federal Investigation Agency (FIA) team came with labourers and heavy machinery to evict encroachment from two illegally occupied plots on the land of Jinnah International Airport, Karachi on Wednesday.

Following Supreme Court orders, FIA bulldozed the boundary walls and infrastructure on two plots near the Jinnah Terminal. The federal agency is already investigating the issue of illegal allotment of airport land.

The said plots were under possession of a prominent business personality of the city, officials said.

Airport Manager Imran Khan was present on the spot along with senior officials of the Civil Aviation Authority (CAA) to oversee the anti-encroachment operation. CAA Director General Khaqan Murtaza told The Express Tribune that they have recovered five acres of land worth more than Rs25 billion.

(By Newspaper's Staff Reporter, The Express Tribune, 05, 25/11/2021)

Demolition of Nasla Tower begins from ground floor

The local administration on Wednesday finally started demolition operation of Nasla Tower hours after the Supreme Court rebuked the Karachi commissioner on his failure to comply with its orders, bringing the over five-month saga to almost its close as collapse of the 15-storey residential building through government machinery is imminent.

However, questions emerged over the method of demolition picked by the administration which unlike past operations of this nature chose to start demolition from the ground floor. The officials of Sindh Building Control Authority (SBCA) and the Karachi commissioner supervising the labourers and heavy machinery operators, however, did not tell why they had started demolition from the ground unlike past operations against the illegal buildings when demolition operation usually began from the top.

Earlier in the morning, taking up the matter the Supreme Court directed the commissioner to immediately demolish Nasla Tower and warned him of action in case of non-compliance. The warning came after a three-judge SC bench, headed by Chief Justice of Pakistan Gulzar Ahmed, asked Commissioner Iqbal Memon about the demolition of the building.

On SC order, a private club built on CAA land also being razed

Commissioner earns SC ire

The commissioner contended that about Rs220 million was required to demolish the building. The CJP came down hard on Mr Memon and said that the court had already passed an order that the cost of delimitation would be borne by the building's owners/builders and the commissioner was also allowed to sell the land if the amount was not recovered from the builders.

The CJP warned that the commissioner would be sent to jail and removed from his post for not complying with court orders and delaying demolition process.

The commissioner offered an apology and the CJP directed him to immediately demolish the building and file a report during the course of day.

The matter is again likely to be taken up by the apex court on Thursday (today).

Initially, the apex court had ordered the demolition of the building in June for partly encroaching upon the land meant for a service road. In September the review petition of the builder of Nasla Tower against the June 16 order was turned down.

In June, the Supreme Court had also directed the builders to refund the amount to the registered buyers/allottees of residential and commercial units of the building within three months.

In case of any delay in payment, the claimants may claim mark-up/profit at the bank rate with damages and initiate proceedings for implementation of this order before the court of competent jurisdiction, the court ordered.

The residents of the building finally vacated the building on October 28.

Heavy machinery begins demolishing the 15-storey Nasla Tower, a residential-cum-commercial building constructed on the service lane linking Sharea Faisal and Shahr-i-Quaideen, on Wednesday. An excavator drills the structure after razing shutters of the shops on the ground floor. The road island and surrounding areas remained cordoned off with the yellow tape warning trespassers during the operation that authorities believe may take a few days to complete.—Fahim Siddiqi-White Star / PPI

Within minutes after the Supreme Court's warning on Wednesday, things started moving around Nasla Tower where a fleet of heavy machinery including a bulldozer, excavators, compact track loaders, skid steer loaders, dozers and others were seen parking along the main road. Within next couple of hours, over a 100 men wearing protected gear came to the site to finally launch the demolition operation.

Extraordinary hustle and bustle was seen on the edge of Shahr-i-Quaideen off main Sharea Faisal where Nasla Tower is located. Over a dozen satellite vans of news channels coupled with vehicles of Rangers were lined up along the service lane. With traffic movement turning slow due to congestion on the main road, the operation was finally launched in the second half of the day.

Though there was no statement from the Karachi commissioner office about the expected timeline of the operation nor there was any word shared by the SBCA, with the pace of the operation it emerged that it could take days to complete the job.

Private club on CAA land

Similar action was seen near Karachi airport where a team of the Federal Investigation Agency (FIA) led the operation and started demolition of a private club which was illegally raised on the land of the Civil Aviation Authority (CAA). Heavy machinery started demolishing boundary wall and concrete structure of the club and the authorities were hopeful that the job would be completed by Thursday.

Earlier, the CJP observed as to how the club, which had private membership, could be allowed on the land of the CAA. The CAA director general said that the club was established in 1990s. However, he said that they were ready to remove the club on the court order.

Meanwhile, the SC bench directed the FIA to clear 209 acres of land allotted the CAA for building a new terminal from the encroachers and hand it over to aviation authority.

The CAA DG submitted that the 209 acres were allotted to the CAA by the Sindh government in 1992 but the Board of Revenue had illegally allotted the land to private persons by bifurcating it into plots.

The FIA submitted that they had registered two FIRs and arrested four persons as fake entries were made in the record of BoR.

The bench noted that as per report of the FIA, the BoR had allotted land to one Nabi Bux, who did not exit, and then power of attorneys was given to several private persons.

(By Imran Ayub & Ishaq Tanoli Dawn, 13, 25/11/2021)

Protesting builders, residents baton-charged outside Nasla Tower

While police and Rangers on Friday evening resorted to tear gas shelling and baton charge to disperse protesting residents and builders trying to stop the razing of Nasla Tower, the Supreme Court directed the Karachi commissioner to expedite the demolition process of the building and complete it within a week.

Officials and witnesses said that the protesters belonging to the Association of Builders and Developers (Abad) arrived at the place and tried to block Sharea Faisal near Nursery roundabout, when law enforcers took action against them.

East SSP Qamar Raza Jiskani told *Dawn* that the protesters allegedly tried to take law into their own hands.

“The police and Rangers took action and dispersed the crowd,” added the senior officer. He said that no one was arrested. However, the officer hinted that there was a possibility of lodging an FIR against the protesters.

SC gives one week to demolish high-rise; builders want to know who has final authority in approval matters

Traffic was suspended on the main artery that links the city to the airport and the National Highway.

Construction work stopped in city

Earlier, the builders association had announced that they would hold a protest on service road in front of Nasla Tower.

In a statement, Abad chairman Mohsin Sheikhan had said that they would be halting work on all approved projects in Karachi. He claimed that “despite the approvals of the buildings and projects from all the government agencies they stand null and void”. He said they request the government to inform them “who is the final authority for seeking approvals”.

He said: “Abad is against the illegal encroachments and illegal construction. If illegal projects are constructed, it is the duty of government agencies to check them and give a no-objection certificate and Abad is following approvals strictly.”

But despite approvals and getting permissions, there were the moves to shatter the confidence of the people, he said, adding: “We are backstabbing the overseas Pakistani and local investors who have invested millions of rupees.”

Announcing halting of work at projects in Karachi, Hyderabad and other cities, the Abad chairman vowed that “slowly the work in other parts of the country will also be stopped”.

SC gives one week for demolition

A three-judge bench headed by Chief Justice of Pakistan Gulzar Ahmed and comprising Justice Ijaz Ul Ahsan and Justice Qazi Mohammad Amin Ahmed directed the commissioner to expedite the demolition process of the 15-storey Nasla Tower and complete it in a week and to ensure safety of public and its property.

Commissioner Iqbal Memon filed a fresh report on Friday along with some photographs showing that some walls of the ground floor of the building to upper floors had been removed.

When the CJP asked him why the demolition process was started from the ground floor, the commissioner replied that he had engaged the services of some experts/engineers who were present on the spot and supervising the process.

Replying to another query of the bench, he said that there were 200 workers taking part in the demolition drive. The CJP directed him to enhance the strength of workers from 200 to 400 workers and expedite the process.

During the hearing, the CJP expressed serious resentment on Jamaat-i-Islami’s Karachi chief Hafiz Naeem ur Rehman for ‘disturbing’ the hearing as he repeatedly attempted to address the court about compensation for allottees of Nasla Tower.

The CJP told him that the court had already passed an order directing the builders to refund the amount to all allottees.

The chief justice also questioned his locus standi in the matter and asked him to maintain silence, but the JI city chief insisted on arguing.

The CJP remarked that this was not the forum to deliver a political speech and warned to charge him with contempt proceedings.

(By Intiaz Ali & Ishaq Tanoli Dawn, 13, 27/11/2021)

Removal of Tejori Heights’ debris in 20 days ordered

The apex court on Friday directed the Karachi commissioner to ensure that the foundation of the Tejori Heights building and debris were removed within 20 days.

A three-judge bench headed by Chief Justice of Pakistan Gulzar Ahmed said that the land would remain in the possession of the commissioner.

Main Raza Rabbani, lawyer for the builders, informed the bench that all constructions had been demolished by the builders themselves, adding that they were in the process of compensating some 99 allottees.

However, he said that the debris was lying for which he requested for more time. The bench allowed 20 days, but pointed out after examining the pictures attached with a report that the foundation/basement of the building had not been demolished as yet.

The counsel assured the bench that the same would also be completely removed.

The bench also directed the commissioner to ensure that all the structure of the building as well as debris must be cleared within the stipulated period.

The demolished building was located near the abandoned Gilani railway station of the Karachi Circular Railway in Block 13-D, Gulshan-i-Iqbal. The Pakistan Railways had claimed that the subject land was allotted for the KCR but it was encroached upon by the builders.

Last month, the Supreme Court had ordered the demolition of the under-construction multi-storey building after the builders failed to establish the ownership of the land.

(By Newspaper's Staff Reporter, Dawn, 13, 27/11/2021)

Demolition and protest

A three-member bench of the Supreme Court once again reiterated its earlier orders to raze to the ground two illegally built super-structures in Karachi, and at the same time reprimanded the cantonment authorities for using defence lands for commercial purposes. The Karachi registry of the apex court wants the city's developmental mosaic to be legal and well within the domains of civic decency. This is why it has vehemently pursued an anti-encroachment drive against the concerned for playing foul in bending rules to their vested interests. It goes without saying that Karachi, a mega city of more than 25 million inhabitants, doesn't have a master plan of development, and has become a haphazard jungle of concrete without adequate recourse to civic amenities. It's ghettoised, per se. The top court, thus, is well within its rights to look into this discrepancy in vogue, and appreciated for putting its foot down in the larger interests of citizens.

The protest on the part of the residents of Nasla Tower, however, needs to be looked at sympathetically. While the law takes its course, it is incumbent upon the builder as well as the authorities to ensure proper compensation to them, and that too at prevailing market value so that they could find some solace in displacement. This demolition episode hints at a deep-rooted mess and corruption prevalent in the departments of land, revenue and municipality. This is where the court should come down hard, and ensure that the culprits are shown the door and the system is reformed as per law. It is ironic that all sorts of illicit alterations in design, allotment and subsequent sale of property take place with impunity.

The court's comments on misuse of military lands for commercial activities is ordained and a welcome step. The humble submission on the part of the defence secretary that in future no such activity would be planned is appreciated. It will bring more respect to the institution. The provincial government, as well as law-enforcement agencies, should go by the book as the court orders are implemented, and ensure that no excesses are committed against protesting allottees.

(By Editorial, The Express Tribune, 14, 28/11/2021)

Nasla Tower demolition deadline expires today

The one-week deadline, set by the Supreme Court of Pakistan to demolish Nasla Tower, expired on Friday (today).

However, only 45 per cent of the building has been demolished so far. The main structure and the pillars of the building were yet to be taken down.

It was reported that all work was continuing manually instead of using heavy machinery.

Ferozabad Assistant Commissioner Asma Batool, who is overseeing the demolition operation, told the media that 40 to 45 per cent of the building, including the roof and walls, had been demolished.

"The side walls are broken. The building has now been given a structural shape and the elevator is being removed," she said.

The assistant commissioner added that the process of cutting the pillars of the building will start in a day or two.

She said that the building was being demolished manually and the process was taking time.

"Four hundred workers, in three shifts, and sometimes more than that, are also working day and night," she explained.

"Heavy machinery including excavators and gas cutters are available to demolish the building. However, due to the concerns expressed by the Sindh Building Control Authority, the rooftop excavator was not used," she added.

(By Newspaper's Staff Reporter, The Express Tribune, 05, 03/12/2021)

Govt pauses anti-encroachment drive

Sindh government has decided to stop anti-encroachment operation across the province, Sindh Government Spokesman Murtuza Wahab on Wednesday.

"The anti-encroachment operation from Karachi to Kashmore will be temporarily suspended," Karachi Administrator Wahab told the media at a press conference held at the Sindh Assembly Committee Room.

The Sindh government has prepared an ordinance to stop the anti-encroachment operation. A commission will be set up under the ordinance to determine which illegal structures should not be demolished, he said addressing the news conference.

The ordinance named Sindh Commission for Regulation of Construction will be applicable for the whole province. The Sindh government has sent the ordinance to the governor for approval under Article 128 of the Constitution, Wahab said.

The commission will work under a retired judge of the Supreme Court and will decide on which illegal structures can be regularised. The ordinance will not be applicable to areas under the jurisdiction of the federal government and cantonments, the administrator said.

Wahab claimed that the commercialisation of residential areas took place in last several months, adding that it started from the regime of Naimatullah Khan as City Nazim. "When the citizens approached the courts against it (commercialisation), it was decided (by the court) that it is the prerogative of the city government," he added.

Now that many areas have been commercialised, the consequences are being felt today. "The underground system of sewerage and water was not developed at par with the rapid commercialisation of the residential neighbourhoods," he said.

This problem has spread all over Pakistan. Societies have been formed on agricultural land in Islamabad. It is asked that the building (Nasla Tower) is being demolished but why it is not happening in Bani Gala in Islamabad," he added.

He said that the PPP passed a resolution in the Sindh Assembly on the issue of anti-encroachment drive and urged the need of legislation so as to reduce miseries of the citizens. He said that those who held press conferences on Nasla Tower issue had 'escaped' from the Sindh Assembly.

He said that the law is the same in Sindh as it is in Punjab but only a paragraph was added that the anti-encroachment drive should be stopped immediately until the committee decides.

In a reply, he said that Sindh government is not allotting land for Nasla Tower as Sindhi Muslim Cooperative Housing Society was not its administrative control. This property was commercialised in 2007 at that time Mustafa Kamal was the City Nazim," he said.

After commercialisation, the building control authority gave permission for construction. The land actually belonged to KMC and in 2000, the court ruled that the land was given to Sindhi Muslim Cooperative Housing Society in exchange for money.

In response to a question, Wahab said that Mustafa Kamal wanted him to say something so that he could reply. "This is not Karachi of 1990, this is not Karachi of May 12, 2007.

He also asked MQM-P Convener Dr Khalid Maqbool Siddiqui to stop the politics of ethnicity. Wahab asked MQM-P that it had been in the coalition federal government for three and a half years and what has Imran Khan done for this city.

Wahab reminded Siddiqui that when they were coalition partners, MQM-P had threatened to quit PPP-led government over fuel price hike. (By Newspaper's Staff Reporter, The Express Tribune, 04, 02/12/2021)

CM Murad says land being allocated for resettlement of displaced families

Sindh Chief Minister Syed Murad Ali Shah on Wednesday said that the provincial cabinet had decided in June to resettle the locally displaced people (LDPs) whose around 6,500 houses along three major storm water drains had been demolished.

Speaking at the meeting of the Provincial Coordination and Implementation Committee (PCIC) here, he added that around 250 acres of land was needed keeping in view the requirement of 80sq-yards each for one unit.

Karachi Corps Commander Lt Gen Mohammad Saeed, Chief Secretary Mumtaz Shah, CM's Law Adviser Murtaza Wahab, Planning & Development Board chairman Hassan Nqavi, NED University Vice Chancellor Dr Sarosh Lodhi, Karachi Commissioner Iqbal Memon and others were also present.

Mr Shah said the Lyari Development Authority (LDA) had been directed to spare 500 acres of land at Shaheed Mohtarma Benazir Bhutto Township (SMBBT) and the Malir Development Authority (MDA) to spare 250 acres of land in Taiser Town Scheme-45 for LDPs.

He said it seemed feasible that each displaced family was to be resettled in a housing unit, for which an amount of Rs10 billion would be required for the construction of 6,500 housing units and to develop infrastructure and amenities.

Solid Waste Management Board will collect municipal fees from Karachi, PCIC meeting told

He added that Rs6.5bn would be earmarked for the construction of housing units and remaining amount of Rs3.5bn would be earmarked for infrastructure development and amenities.

As per a report furnished by the municipal commissioner of the Karachi Metropolitan Corporation, progress on three major nullahs was as follows:

Mehmoodabad Nullah: All the 238 intercepting units have been demolished whereas an amount of Rs104million has so far been distributed as compensation amongst the eligible LDPs.

Guijar Nullah: All the 4,058 intercepting units have been demolished whereas Rs260m has so far been distributed as compensation amongst the eligible LDPs.

Orangi Nullah: As many as 1,696 intercepting units out of 1,703 have been demolished whereas Rs145m has so far been distributed as compensation amongst the eligible LPs. Only industrial units of sub-division SITE are left to be demolished soon.

Green Line launch this month

The CM said that the Green Line Bus Rapid Transit System (BRTS) would be launched during the current month and Yellow Line BRTS in March 2022.

The meeting was told that the Green Line corridor up to Numaish had been completed and turnstile live had also been tested. It was informed that phased commercial operation would be commenced in late December which would be subsequently fully operated in Jan 2022.

It was informed that integration of the Orange Line with Green Line had been requested while the Sindh Infrastructure Development Company Limited (SIDCL) had requested the provincial government to approve the fare on the basis of 'input costs'.

Orange Line Corridor (3.88 km) and all its structures of bus depot had been completed and electrical/mechanical and finishing works were in progress and expected to be completed in the current month, the meeting was told.

Operations for three years have been mandated to the SIDCL. The project has almost been completed. The buses for the project have also been landed in the city. The meeting decided that Green Line would be launched with 75 buses from the current month.

The Sindh Solid Waste Management Board (SSWMB) managing director told the meeting that the board was performing front-end collection services in districts East, South and Malir. "The front-end operations of district West, which were suspended in 2018, have been resumed in October 2020," he added.

SSWMB to collect municipal fees in Karachi

The meeting was told that municipal solid waste had huge revenue potential in terms of household service not only in the residential areas but also in all commercial areas and restaurants and industrial units. As per law they were mandated to pay municipal cess/fee for the service which was being provided to them, it was added.

The SSWMB chief said the informal sector and unauthorised persons under the patronage of municipal committees were collecting household fees even in the areas where the SSWMB was providing services. "As an estimate, there is a potential of more than Rs3.5 billion per annum which can be generated from the residential areas of Karachi alone," he added.

The SSWMB has decided to collect municipal fees from the residential and commercial areas of Karachi and mandated the management to explore operations for collection of fees.

The meeting was told that approximately 15,000 industrial units in the city also generated more than 1,500-2,000 tonnes of municipal waste. The SSWMB was also exploring options to collect fee/cess each from industrial units for the municipal services the SSWMB was providing.

K-IV project

The project director of K-IV water supply scheme informed the meeting that as per the Executive Committee of the National Economic Council (Ecneec) decision, the executing agency of the project had been changed from the Karachi Water and Sewerage Board (KWSB) to Water and Power Development Authority (Wapda).

The conveyance system of K-IV project (Phase-I) along with the power component will now be carried out by Wapda whereas the augmentation project will be carried out by the Sindh government through a World Bank-funded project.

The meeting was informed that all the site offices along with equipment and relevant records had been handed over to Wapda and physical handing over of complete right of way of 121.9 km after a joint survey by Wapda & KWSB had also been done.

Malir Expressway

The meeting was told that the M9-N5 Link Road Project served as the commercial corridor providing upcountry access to the traffic emanating from Port Qasim, industrial areas of Landhi, Korangi and Steel Mill was located at the heart of Karachi's three major projects — Bahria Town, DHA City and Education City.

The CM was told that five kilometres of land belonged to the army and work there had been stopped. At this, the corps commander told the chief minister that a no-objection certificate for continuing work on military land would be issued latest by Friday.

The meeting was informed that Malir Expressway would be a four-lane dual expressway along the Malir river from Hino Chowk near KPT flyover to Karachi-Hyderabad Motorway (M-9) near Kathore via Link Road.

The total length of the expressway will be 39.3 km. The proposed expressway will provide a new southern alternative route for carrying port traffic and traffic from industrial areas to main highways.

(By Newspaper's Staff Reporter, Dawn, 14, 02/12/2021)

'Nasla Tower is being pulled down despite problems,' SC told

The city administration is learnt to have informed the Supreme Court of Pakistan that despite certain 'unavoidable challenges' on a daily basis, especially public protests and threats to contractor, the demolition work on illegally-constructed Nasla Tower was under way without any interruption as side walls of all floors had been demolished.

Informed sources said that Commissioner Muhammad Iqbal Memon on Friday submitted a detailed report to the apex court regarding the progress and challenges of the demolition work, which was going in 'full swing' with the help of heavy machinery and manual labour round-the-clock despite the 'worst case scenario'.

Stating the current status of demolition, the report said that sidewalls of all floors had been demolished and de-rooting of all floors had been completed from centre, leaving some area for walking of labourers.

It said that both the lifts had been removed and the last step i.e. structural columns had been started top-down.

The apex court was informed that over 400 labourers, seven excavators, 25 demolition hammer machines a heavy machinery excavator with jackhammer were employed in the demolition of Nasla Tower, built over 1,121 square yards on Plot No193-A in the Sindhi Muslim Cooperative Housing Society at Sharea Faisal.

The Supreme Court on Nov 28 had ordered the commissioner to double the number of labourers from 200 to 400 to demolish the tower within a week.

The commissioner in his report stated that certain measures were also taken for the safety of the public and property.

The safety measures included the hanging of safety nets around the four sides of the building, installation of barriers, establishment of traffic police picket to facilitate the public movement to adopt the alternative route and deployment of police and Rangers.

(By Newspaper's Staff Reporter, Dawn, 13, 06/12/2021)

Call to end demolition of working-class homes

The organisers and allies of the People's Climate March to be held on Sunday said on Wednesday that the purpose of their event was to organise a people-led response to the environmental crisis with victims of climate injustice at the forefront.

Speaking at a press conference at the Karachi Press Club, they cited the affectees of demolitions along Gujjar and Orangi Nullah, Malir Expressway and Karachi Circular Railway and those who have been forcibly displaced by the violent practices of Bahria Town, Defence Housing Authority and other developers among the victims of climate injustice in Karachi.

It was explained during the press conference that there is currently a collective urgency in the world as it is suffering from a catastrophic environmental crisis caused by the profit motivated, extractive practices of a few.

The futility of COP26 has also made it evident that under the current capitalist system, the common people will not be able to save the environment. So in light of the repeated failure of world governments and international regulatory bodies to alleviate this crisis, it is obvious that there is a need for people-centred response in the form of a grassroots struggle, they added.

On the occasion, the organisers and allies of the march also shared a set of demands such as an end to the demolition of working-class homes and villages and the right to shelter of the displaced.

Another demand was for a bill to be passed in reference to the affectees of the Gujjar and Orangi Nullahs, the KCR and Haji Lemo Goth with the same urgency as displayed to protect 'buildings'. It was also demanded that the affectees be given alternative housing of 120 square yards in their districts.

They also demanded a transparent compensation process, and resolution of issues of identity cards along with the constitution of a rehabilitation committee.

(By Newspaper's Staff Reporter, Dawn, 14, 09/12/2021)

Municipal officials delay removal of encroachment

Removal of carts, cabins, power generators, shops' merchandise, tables and chairs placed by businesses on roads and footpaths seems to be an impossible task for the officials in Hyderabad.

After removing the 'hard' encroachment including illegal building and portions from many parts of the city, the officials are apparently pretending that clearing the soft encroachment like pushcarts and kiosks is a far mightier task.

At the hearing of the anti-encroachment case at Sindh high court in Hyderabad on Thursday, whose order was issued on Saturday, the municipal officials kept making lame excuses to justify their procrastination. The bench comprising justice Iqbal Kalhoro and justice Adnanul-Karim Memon verbally warned the officials that supervision of the campaign will be handed over to the judicial officials if their performance continued to remain subpar.

There are allegations that the municipal staff as well as the police collect bribe from the businesses which occupy the roads and footpaths. And against that bribe these squatters are offered continuous protection.

The Deputy Commissioner Fuad Ghaffar Soomro conceded before the court that though the antiencroachment drive continued, certain obstacles have not allowed them to fully implement the court's order.

He delineated on the terms 'soft' and 'hard' encroachment, arguing that the local government and municipal authorities were solely responsible for removal of the former.

The soft encroachment refers to carts, cabins, power generators, materials, tables and chairs placed on road and footpaths, unauthorized parking of vehicles, dumping of construction material, among other things. The bench directed the DC and other officials to complete the drive in the city's central parts, which are densely populated commercial areas, as a priority.

In the next stage the district's peripheries and outskirts will be cleared from the squatters.

The bench noted that a lack of coordination still existed among the government departments engaged in the drive despite repeated court orders for better cooperation. "All the concerned heads of the departments are directed to fully cooperate and liaise with the DC Hyderabad to make the operation successful."

The Hyderabad SSP was ordered to direct all the SHOs of the police stations in the district to take action against the soft encroachment in their respective jurisdictions on a daily basis.

"Soft encroachment they shall not allow at any cost." The Additional DC Hyderabad Lal Dino Mangi complained before the court that the HMC and the local government department have executed leases of the amenity plots, play grounds and open areas in favour of the individuals.

"Whenever the district administration approaches these departments to provide the city's master plan and other documents to identify encroached areas, they blatantly refuse to do it," the additional DC remonstrated.

"For these reasons the anti-encroachment drive is not proceeding ahead and is not producing results." The Sindh secretary local government did not appear before the bench. But he was represented by the Local Government Special Secretary Zubair Pervez who was directed to offer complete support to any department engaged in the campaign against squatters. Responding to Mangi's complaint, the special secretary LG directed the municipal officials to provide all the required documents to the DC's office.

He also asked the officials of Sindh Building Control Authority (SBCA), Hyderabad Development Authority (HDA) and deputy director LG department Hyderabad to cooperate with the DC.

The officials of Hyderabad Municipal Corporation (HMC) and Municipal Committee Qasimabad (MCQ) undertook to conduct operation against the soft encroachment on a daily basis. The court directed the officials to coordinate with the DC and inform him about the areas where any government property has been encroached.

The municipal commissioner of HMC Fakhir Shakir also assured the court that they have removed the soft encroachment from the city's main motorcycle market in Khohkhar Mohalla. The market has blocked two main streets in the locality so much so that every the passerby people find it hard to move through those streets. Shakir further assured that the drive in the same area will continue.

The HMC's MC complained that they required funds to carry on the drive but the same are not being provided. The court ordered the Sindh secretary finance to appear before the bench at the next date of hearing on December 23.
(By Z Ali The Express Tribune, 05, 13/12/2021)

Commissioner gets one week to finish Nasla Tower demolition

The Supreme Court on Monday directed the Karachi commissioner to complete the demolition process of the 15-storey Nasla Tower within a week and also asked the official assignee to attach the land in order to compensate the affected residents as the builders did not come forward to refund their money.

Besides taking a departmental action, the apex court also ordered police and Anti-Corruption Establishment (ACE) to separately register cases against owners of the building, officials concerned of the Sindh Building Control Authority (SBCA), Sindhi Muslim Cooperative Housing Society and other government departments for giving approval of such a construction in violation of the law.

A two-judge SC bench headed by Chief Justice of Pakistan Gulzar Ahmed came down hard on the SBCA after the commissioner complained that the authority was trying to stop the demolition work and allegedly demanding a bribe from the contractor.

The apex court ordered the authorities to lodge an FIR against SBCA officials including its director general.

Attorney General of Pakistan Khaild Jawed Khan pointed out during the proceedings that compensation had not been paid to the affectees by the builders and suggested attachment of the allotted portion of the plot to recover the amount.

At the outset, Commissioner Iqbal Memon submitted that top five floors of Nasla Tower had been demolished and work to raze remaining floors was under way.

Responding to a question of the court, he submitted that the five floors had been internally removed and only the outer structure was standing.

The bench, also comprising Justice Qazi Mohammad Amin Ahmed, berated the commissioner for not completing the demolition process despite the passage of sufficient time and with the strength of around 400 workers.

The commissioner in his report stated that the SBCA had attempted to stop the demolition process and demanded a bribe from the contractor tasked to demolish the building.

The report maintained that the Association of Builders and Developers of Pakistan (Abad) and other people including a TV reporter had also attempted to disturb the work, but they could not be able to enter the premises as they were dealt in a civilised manner while Section 144 of the criminal procedure code had already been in place.

The bench observed that any move to stop or disrupt the demolition work was amount to contempt of court and directed the commissioner to get the assistance of law enforcement agencies and complete the process in one week and file a compliance report.
When the bench confronted the DG-SBCA for creating obstructions, he denied the allegations and questioned the credibility of the report.

However, the bench said that there was a written proof and it had made itself liable to be proceeded for commission of contempt of court and issued a show-cause notice to SBCA chief as to why contempt of court proceeding may not be initiated against him.

The court also directed the ACE to register a case against the DG and others for allegedly demanding a bribe.

The bench ordered the official assignee of the Sindh High Court to attach a portion of allotted plot measuring 780 square yards in order to compensate the affectees as the builders had not come forward for making payment and it seemed that they would not refund the residents' money.

It further observed that the SBCA officials had violated the law and each and every official involved was liable to be not only faced departmental inquiry but also booked under the Pakistan Penal Code and Prevention of Corruption Act.

Thus, two separate FIRs be lodged against such SBCA officials and other government officials concerned at the ACE and police station concerned, the court said and directed the ACE and the DIG-Ear to file compliance reports in one week.

Initially, the apex court had ordered the demolition of the building in June for partly encroaching upon the land meant for a service road and directed the builders to refund the amount to the allottees within three months.

In September the review petition of the builders of Nasla Tower against the June 16 order was also turned down.

Tejori Heights

The apex court also directed the Karachi commissioner to demolish and remove the basement/foundation of Tejori Heights and the cost would be borne by the builders.

It observed that the main structure of the building had been demolished, but the structure of basement was till there as the builders seemed to be reluctant to remove the same.

The bench sought a compliance report from the commissioner in one week and also asked the builders to provide Rs2.5 million to the commissioner in two days.

The demolished building was located near the abandoned Gilani railway station of the Karachi Circular Railway in Block 13-D, Gulshan-i-Iqbal and Pakistan Railways had claimed that the subject land had been allotted to it for KCR and the same had been encroached upon by the builders.

In October, the Supreme Court had ordered its demolition by observing that the counsel for builders of Tejori Heights remained unable to establish the ownership of the land being used for the construction of building on the plot.
(By Ishaq Tanoli Dawn, 13, 28/12/2021)

SC orders removal of 'unauthorised' mosques, cemetery from two parks

The Supreme Court on Tuesday came down hard on the city administration for allowing establishment of illegal cemetery, mosques and shrines on public spaces and ordered the authorities to remove all encroachments and retrieve the land meant for public parks.

A two-judge SC bench comprising Chief Justice of Pakistan Gulzar Ahmed and Justice Qazi Muhammad Amin Ahmed directed the Karachi commissioner and other officials to remove a graveyard, a mosque and a shrine on the Kidney Hill Park premises and a mosque constructed on another park near Tariq Road within a week and restore the land to its original purpose.

It also asked the commissioner to explore the possibility to shift the graves to a proper cemetery.

CJP rules KMC can't allow construction of mosque in parks; warns cancellation of illegal allotments in PECHS

The CJP deplored that the city had been facing massive unauthorised and illegal constructions and encroachments on public spaces and there was no way to reverse or fix it.

He remarked that the officials concerned, who were bound to protect such places, did not bother to come out of their offices to address such issues and even not properly implementing directives as the court had already passed several orders about the Kidney Hill Park in the past.

"You are not there to sit for yourselves, but to serve the public," the CJP further.

Justice Amin said that such misconduct on the part of the officials concerned would lead to their dismissal from service.

The CJP said that there was permission of ground plus one floor, but multi-storey buildings had been raised in Pakistan Employees Cooperative Housing Society (PECHS), North Nazimabad and other parts of the city and feared that there would be destruction in case of an earthquake.

The open spaces on the front and backsides of houses in PECHS are also encroached upon, the CJP said, adding that the land in the PECHS had been allotted in the '50s and '60s, but surprisingly the cases of recent allotments were still coming on record.

He warned to cancel all such allotments and order registration of FIRs against the officer-bearers of PECHS.

At the outset, the bench asked Commissioner Iqbal Memon about implementation of its earlier orders about the Kidney Hill Park. He replied that the then commissioner in his report submitted in June said all the encroachments had been removed.

However, the court was informed that there was still a graveyard while a new mosque in the place of a demolished mosque as well as a shrine had also been established on the park land.

The CJP expressed serious resentment over the Karachi commissioner, Karachi Metropolitan Corporation, administrator of the district municipal corporation-East and assistant commissioner-Ferozabad for not implementing the court orders.

When the bench confronted the officials, Assistant Commissioner Asma Batool submitted that Al-Fateh Mosque had been removed from the park. An application was filed against the removal of the mosque on the ground that the land was leased out in 1990. The bench dismissed the application and observed that the layout plan did not provide any space for mosque and KMC itself had no authority to allot or allow permission of construction of a mosque on the land of a park.

The KMC or any other licensing agency could only give possessory rights and such rights did not culminate into ownership or title of the land, the bench ruled.

When the court was informed that another mosque, Bismillah Masjid, had been raised on the premises of the park, it observed that the same was also illegal even if there was any allotment and directed the commissioner to remove it.

The bench was informed that the authorities concerned had no record of the graves. The court directed the commissioner to retrieve the whole land and if there was any genuine grave the same should be protected.

The bench ordered, "The commissioner Karachi shall also explore a possibility of shifting of the graves from Kidney Hill Park to the properly declared graveyard and take appropriate measures in this regard in accordance with law."

During the proceedings, the court was informed that another mosque, Madina Masjid, had also been built on a land measuring around 1,100 square yard shown as a park in PECHS on main Tariq Road.

The bench expressed resentment at DMC-East administrator when he requested it to pass an order about the removal of the mosque and said that it was his duty to restore public spaces. It directed the administrator to ensure the removal of the mosque and other encroachments in a week and restore the land as a park.

The CJP expressed anger at AC Batool when the bench was informed that she had tried to stop the demolition work of 15-storey Nasla Tower. The bench warned her that she could be sent to prison. She contended that the work was halted temporarily to take preventive and safely measures.

On a previous hearing, the commissioner had informed the bench that the 62-acre land of the Kidney Hill Park had been retrieved and a PC-I of Rs950m had been submitted to develop it as a model park.

Al-Bari Towers

The ministry of housing and works in its report informed the apex court that the land located in Bahadur Yar Jang Cooperative Housing Society and used to build Al-Bari Towers was not allotted as it was meant for amenity purposes.

However, appearing on behalf of the builder senior lawyer Rasheed A. Razvi sought adjournment on the ground that he had not received copies of the reports including the one filed by the ministry.

The bench adjourned the hearing till Jan 11 and directed him to obtain the copies from its office and come prepared on the next date.

On the last hearing, the bench was informed that a plot measuring 3,931 square yards and meant for a family park in Bahadur Yar Jang Cooperative Housing Society had been divided into three plots and only a small portion of the plot left for the park. The other two plots were allotted and a huge building, known as Al-Bari Towers, was built.

The court had ruled that none of the parties create any third party interest.
(By Ishaq Tanoli Dawn, 13, 29/12/2021)

Case against plot owner of Nasla Tower registered

Police on Tuesday finally registered a criminal case against the builder of Nasla Tower, officials of the Sindh Building Control Authority, Sindh Muslim Cooperative Housing Society and the plot owner for helping, facilitating and ignoring the illegal construction of the multi-storey residential building on Sharea Faisal, which is being demolished on the orders of the apex court.

The FIR was lodged on behalf of the state and it carried eight different sections of the Pakistan Penal Code (PPC) ranging from fraud and cheating to illegal actions of government officers and criminal breach of trust by public servants.

Not a single official, builder named in FIR

However, only one person — Abdul Qadir who owns the plot in question — was named in the FIR and remaining suspects were nominated with their designations as their names were not part of the document.

It said Mr Qadir in connivance with the officials of the SBCA, Master Plan Department (MPD) and SMCHS had managed to encroach 341 yards of the service road and attach it with the original plot.

Only on Monday, the Supreme Court had ordered the authorities to lodge an FIR against SBCA officials, including its director general.

The FIR says the plot of Nasla Tower is 780 square yards in the SMCHS and the society had allotted 780 square yards to the owner/builder, Abdul Qadir, who — in collusion with his construction partners and officials from SMCHS, SBCA, MPD and other departments — had erected Nasla Tower on 1,121 square yards — illegally building on 341 square yards of a service road — and sold flats and shops to people.

Responding to a query, SSP-East Qamar Raza Jiskani told Dawn that the SP Investigation had been tasked with directly supervising the probe that had attracted a national interest after the Supreme Court's order. Replying to another question about no names directly mentioned in the FIR except the owner of the plot, he said the matters was 'too old' and it would now take time to find out the people at different offices and positions who had actually granted the permission and helped construction of the illegal building on the plot.

"So we have kept the scope of the probe and the FIR quite wide," said SSP Jiskani. "The FIR has been drafted and lodged with all due care mentioning each and every single office and position which possibly had facilitated Nasla Tower one way or the other. Now during course of the probe, the names would start emerging which would be incorporated in the FIR. The SP investigation has been asked to directly supervise the case and its probe. It should not be handled like regular case."

An FIR at the Ferozabad police station has been lodged under Sections 161 (public servant taking gratification other than legal remuneration in respect to an official act), 167 (public servant framing an incorrect document with intent to cause injury), 218 (public servant framing incorrect record or writing with intent to save person from punishment or property from forfeiture), 408 (criminal breach of trust by clerk or servant), 409 (criminal breach of trust by public servant, or by banker, merchant or agent), 420 (cheating and dishonestly inducing delivery of property) and 447 (criminal trespass) of the PPC.

(By Imran Ayub Dawn, 13, 29/12/2021)

No arrest yet as slow-paced Nasla Tower probe gets under way

No arrest has been made in connection with a criminal case registered against builder, owner and government officials regarding the illegal construction of 15-storey Nasla Tower as the pace of investigation appears to be slow, it emerged on Wednesday.

While raids had been conducted and 'visits' to the office of the Sindh Building Control Authority made by investigating agencies — police and Anti-Corruption Establishment (ACE) — what came as a strange course of investigation was its slow and leisurely pace to find out the real culprits and then seeking assistance to identify the suspects from the same institution which is under the radar for all the illegalities carried out in raising the building.

A police investigation team led by SP Altaf Hussain along with officials of the ACE visited the SBCA office in Civic Centre, met its senior officers and sought a list of those who were part of the authority when the layout plan of Nasla Tower was approved.

Investigators pay a visit to head office of SBCA

"We have sought a list from the SBCA and names of those officials who were here at time the [Nasla Tower] building was approved," SP Hussain said while talking to reporters after the visit.

"The police teams are also carrying out raids on the homes of the SBCA officers concerned. The SBCA officials today provided us some details and documents and we are closely analysing all these things. We have also sought record from the Sindhi Muslim Cooperative Housing Society. Things would start gathering pace soon," he said.

The Ferozabad police on Tuesday lodged an FIR against the owner of the plot where the Nasla Tower was raised, a builder and all those officials of different government agencies and private organisations who helped and facilitated the illegal construction of the multi-storey residential building off main Sharea Faisal.

The police investigation came following the orders from the Supreme Court regarding registration of an FIR against SBCA officials. It had also directed the Karachi commissioner to complete the demolition of the 15-storey building within a week and asked the official assignee to attach the land in order to compensate the affected residents as the builders did not come forward to refund the residents money.

However, as told by the police authorities, it seems that the process would take some time to identify, trace and then arrest the people behind the illegal construction of the building.

A late-night raid, police sources told *Dawn*, on the house of a former assistant director of the SBCA had failed to achieve any success. "Safdar Magsi was the assistant director of the SBCA when the construction of the Nasla Tower was approved," said a source while denying the impression of a laid-back approach of the law enforcement agency.

"His home was raided, but he was not there. There are some 25 to 30 SBCA officials who are suspected for their role in facilitating and helping the illegal activity and deliberately ignoring violation of defined rules for vested interests," he said. "Although the police have sought the SBCA's help in gathering data and names, they are also doing their job on their own without relying on any individual or institution."
(By Imran Ayub Dawn, 13, 30/12/2021)

Compliance reports on encroachments removal filed in Supreme Court

In the light of earlier orders of the Supreme Court, the compliance reports about removal of encroachments from all government lands across the province and rehabilitation of those displaced due to the demolition drive around three nullahs of the city were filed in the apex court on Thursday.

The Sindh Board of Revenue in its report stated that its officials along with the deputy commissioners concerned and other officers had so far retrieved 91 per cent of encroached land of forest department, 75 per cent of irrigation department and 54 per cent of land owned by other departments and agencies of the federal, provincial and local governments.

It maintained that 84 cases had also been registered against encroachers and land-grabbers which were being vigorously pursued by the DCs concerned before tribunals while the anti-encroachment force had been placed under the command of the respective DCs for all operational and administrative purposes till the compliance of the apex court's order passed last month.

Another report, filed by the secretary of local government and housing and town planning department, asserted that in the light of apex court order passed in June, a summary regarding rehabilitation of 6,500 affected people had been approved by the chief minister as well as by the provincial cabinet.

The PC-I has been prepared for resettlement comprising construction of two rooms dwellings on 60 square yards plots in Scheme No.45 Taiser Town,. However, the Provincial Development Working Party (PDWP) had asked for making some minor changes in the PC-I. The Malir Development Authority has prepared a modified PC-I and the same would be placed before the PDWP in the coming week for administrative approval, it added.

The report further maintained that after the approval, the MDA would initiate the tendering process.
(By Newspaper's Staff Reporter, Dawn, 13, 31/12/2021)