

NEWSCLIPPINGS

JANUARY TO JUNE 2024

ENCROACHMENT & EVICTION



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166 victims of Baldia Town demolition drive get documents of plots

Mayor Murtaza Wahab on Monday handed over the documents of plots to Baldia Town's Sector 13 residents who had lost their properties in an anti-encroachment drive.

"Owners of more than 400 houses demolished in Baldia Town's Sector 13 have been given 166 plots measuring 80 yards each in the first phase today while in the second phase, the alternative plots will be given to more allottees," he said while addressing a ceremony in Baldia Town.

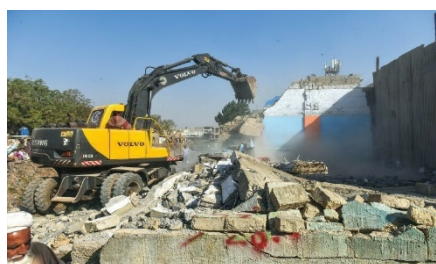
"The Pakistan People's Party's philosophy is: the service without discrimination. These plots were allotted 30 years ago and today Bilawal Bhutto's PPP solved this problem and gave land to the affectees," he said.

The mayor said the PPP's local government had built a sports complex in Kakri Ground, and grounds in Gizri, Ibrahim Hyderi and Landhi, and would soon inaugurate a football ground and cricket stadium in the Kalaboard area of Malir.

"I also promise the people of Baldia Town that they would soon get a football ground in their area," he added.
(By Newspaper's Staff Reporter, Dawn, 14, 02/01/2024)

Victims of Karachi demolition drives want Sindh govt to compensate them with cash, not plots

Civil rights campaigners and the people displaced due to the anti-encroachment operations along the Gujjar and Orangi Nullahs have urged the provincial government that they be provided with cash in lieu of land as compensation for their houses razed in the operation.



At a meeting of the affected persons, organised by the Sindh Bachao Tehreek (SBT) — a movement for the rights of the people affected by demolition drives — the participants discussed at length the issues of the displaced people as well as proposals for their rehabilitation.

A press release issued by the SBT on Sunday said the purpose of the meeting was to elicit opinions of the people affected by demolition drives about the resettlement and rehabilitation plan offered by the Supreme Court.

According to the statement, 25 affectees of Gujjar and Orangi Nullahs, as well as urban planning experts and human rights activists were invited where, among others, Dr Nausheen Anwar of Karachi Urban Lab and Sindh Human Rights Commission chairperson Iqbar Detho expressed their opinions.

Sindh Bachao Tehreek estimates compensation will come to Rs5.5m for each demolished house

The SBT said that on Aug 17, 2023 the apex court had offered two options to displaced people. First was the market value of the land from where 6,932 were dispossessed and cost of construction according to the Pakistan Engineering Council (PEC). The second was the offer of 80 square-yard plots in Malir, with the cost of construction as estimated by the PEC.

It said that in consultations with experts of real estate and urban issues, it was estimated that the cost of the land from where the affectees' houses were demolished, combined with the cost of construction, came to around Rs5.5 million for each demolished house and majority of the affectees opted for this choice, that is, the first option.

However, the provincial government has not disclosed the amount of monetary compensation for the first option officially.

The participants of the meeting said that the Lyari Expressway resettlement project was replete with problems and that they did not want to be embroiled in legal disputes just to receive compensation.

The affected people complained that the process of rental cheques had taken three whole years with a high number of people still not provided with the said cheques. They said that most of them had to run pillar to post, unsuccessfully, to beg for their rights.

The meeting was informed that many affected people had died of heart attacks due to the stress of losing their homes and many suffered wrongful deaths in accidents as they slipped into the nullahs.

The SBT said that even though these were attributable to state negligence in demolitions, none of these people received compensation.

About the first option given by the apex court, the affected persons said that if the sum for compensation would be shared, they could make an informed decision and that cash would allow them to divide amongst siblings and their families living in the same structure whereas with plots, there could be disagreements between them if they were allotted just one.

For the second option, they said that it raised several concerns regarding allotment of 80 sq-yards plot in Taiser Town.

They said that Taiser Town was completely undeveloped at the moment and lacked basic amenities such as gas, electricity, water, education and health facilities.

Moreover, they said that the price of land in Orangi and Gujjar Nullah was more than the price of land in Taiser Town which was situated in the outskirts of the city.

(By Newspaper's Staff Reporter, Dawn, 13, 02/01/2024)

Land grabbing victims get alternative plots after 30 years

Unable to evict encroachers the city government gave alternative plots to the victims of land grabbing in Baldia Town. It took two generations to receive their rightful patch of 80 square yards of land after 30 long years.

Mayor Murtaza Wahab addressing at the occasion said PPP was committed to providing shelter for citizens and does not intend to deprive anyone of roofs on their heads.

Simultaneously, he said, a robust campaign against encroachments is actively underway, particularly targeting areas where such issues have persisted in the past, with plans for their elimination.

Wahab said that post-February, PPP aims to hold key positions like the prime minister, chief minister, and mayor, promising citizens their property rights and addressing any lingering issues. Noting that 166 plots of 80 sq-yds have already been allocated to owners of over 400 illegally occupied plots in Baldia Town Sector 13, Wahab commended the KMC's land department for providing alternative lands to these victims.

(By Newspaper's Staff Reporter, The Express Tribune, 04, 02/01/2024)

'Corrupt officials patronise illegal construction'

A coterie of corrupt officials in the Sindh Building Control Authority (SBCA) has become a strong mafia, sources in the authority said.



The mafia in SBCA, with the backing of influential people including officials, is sheltering illegal construction of portions against bribes running into millions of rupees, an SBCA officer said requesting anonymity.

Residents of the Jamshed Town Zone 2 told The Express Tribune that over the last two decades, thousands of people demolished their old houses and reconstructed residences carved into small portions on the same plot.

Therefore, on a plot of 400 square yards where two families lived on the ground and the first floor, 12 portions of 100 square yards were built in ground plus two structures.

Thus instead of two, now there are 12 families living on the same plot, though the water, sewerage and power supply infrastructure remains unchanged.

The development of portions has put an overwhelming burden on the infrastructure while the practice has therefore been banned by the Sindh High Court.

SBCA sources said that surprisingly, development of portions was being carried out in parts of the city which are already hit by the sewage and water issues. These illegal constructions will further damage the infrastructure. Although the courts are constantly issuing orders, the illegal construction continues.

The lack of action from the SBCA and the offices of the deputy commissioners and assistant commissioners also embolden people involved in the illegal construction.

Sources said SBCA officials were involved in illegal constructions in the city, particularly in the east district, especially in Jamshed Town Zone Two. The illegal development was distorting the face of the planned localities, they said.

An extremely powerful Grade 14 officer in SBCA is supposed to own the whole Jamshed Town Zone 2 system. Residential units are being built with his consent. Sources say that the officer has the responsibility of different areas of Gulshan-e-Iqbal.

The corrupt officer is so powerful that he even flouts orders of director of SBCA east district.

Additionally, instead of SBCA director general, officers of Grade 16, 17, and 18 posted in Jamshed Town Zone 2 report to the said Grade 14 officers, sources added.

(By Naeem Khanzada The Express Tribune, 04, 05/01/2024)

SHC seeks report on encroachment near M9

The Sindh High Court (SHC) directed the Nazir on Tuesday to conduct an inspection and submit a comprehensive report, including photographs, within seven days in response to a petition seeking the removal of encroachment along the M9 Superhighway, spanning from Al Asif Square to Toll Plaza.

A two-member bench, led by Justice Nadeem Akhtar, presided over the hearing. The petitioner's counsel contested the accuracy and credibility of the East District Deputy Commissioner's (DC) report, claiming it misrepresented the removal of encroachments around Al Asif Square.

The DC East, in the report, asserted that encroachments had been eliminated from Jamali Bridge to Badshah Hotel, and both sides of the stretch from Al Asif Square to Habib Hotel were cleared. An ongoing anti-encroachment campaign was also highlighted.

The administrative head of the East district informed the court that individuals displaced by the 2022 floods initially resided in relief camps near M9 Toll Plaza but later established shanty towns in the city. The DC stated that these individuals have been evicted.

(By Newspaper's Staff Reporter, The Express Tribune, 04, 17/01/2024)

SBCA can't abdicate duty to regulate, demolish buildings: SHC

The Sindh High Court has ruled that the Sindh Building Control Authority (SBCA) had an ongoing obligation to regulate all buildings which were in danger of collapse and oversee the repair and demolition process of such structures as well.

The SHC also expressed its deep concerns over the position taken by the SBCA in abdicating its duty in respect of dangerous and dilapidated buildings.

The SBCA in its reply claimed that once a demolition permission had been granted, it went out of the jurisdiction of the SBCA under Section 14 of the Sindh Building Control Ordinance, 1979.

The two-judge bench comprising Justice Nadeem Akhtar and Justice Mohammad Abdur Rahman said, "Notwithstanding that they have issued a permission to the owner of a project to demolish the construction on a property, have a continuing obligation to regulate all buildings which are likely to collapse and to regulate their demolition or repair in terms of Section 14 of the SBCO, 1979 read with the provisions of Regulation 7 of the KB&TPR, 2002".

Authority says matter not in its jurisdiction after grant of permission for demolition

The bench made these observations while deciding a petition seeking direction for the SBCA to demolish the structure located in Garden since the same was falling within the category of "dangerous building".

The SHC noted that the petitioner had attached various photographs with the petition and a bare perusal of same could leave no doubt that the construction existed on the subject property was a hazard and which if left in its current state would eventually fall and may even be a threat to the lives of persons living within the immediate vicinity of such property at that time.

The SBCA submitted that the owner of the subject plot had obtained the demolition permission from the authority in November last year and thereafter, started the demolition of such building to obtain fresh approval of construction on the same plot and previous structure was not declared dangerous by the SBCA.

Thereafter, the SHC asked the SBCA to clarify as to how permission for demolition having been sanctioned by the SBCA could override the statutory obligations of the authority to both declare a building dangerous and to demolish such structures.

The SBCA in its reply asserted that once the demolition permission had been granted, the jurisdiction of the SBCA was ousted.

The bench in its order said, "The duty cast is clearly in furtherance of the duty of the SBCA to ensure that construction in the Province of Sindh ensures the safety of the public and which we have no doubt includes the demolition of 'dilapidated' and 'dangerous' structures which are and have in the past been the cause of a loss to human life".

It also noted that it was the obligation of SBCA to take notice and not to wait for information to be placed before it regarding the likelihood of a building to collapse, but rather it was a continuing obligation to take a proactive role by itself in reviewing the construction of buildings and to identify the buildings which could collapse after completing an enquiry and then to forthwith take action to direct the owner to carry out specific repairs to remove the likelihood of the building from collapse or to issue directive for demolition of whole building or a 'part' to remove the likelihood of the building to collapse.

"We not only are unable to agree with such contentions but are also deeply concerned with the position taken by the SBCA in abdicating its duty as cast on it under Sub-Section (1) of Section 14 of the SBCA, 1979 to regulate buildings which are such a state", it added.

While allowing the petition, the bench directed the SBCA to demolish the entire structure on the said property within three weeks and submit a compliance report.

(By Ishaq Tanoli Dawn, 13, 22/01/2024)

SHC irked by SBCA's failure to stop illegal construction in city

The Sindh High Court (SHC) on Thursday expressed serious resentment over the Sindh Building Control Authority (SBCA) for its failure to stop illegal and unauthorised constructions in the city.

A two-judge bench comprising Justice Nadeem Akhtar and Justice Mohammad Abdur Rahman observed that buildings were being raised either without approval or in deviation of approval, which could only happen with the collusion or negligence of SBCA officials.

It also deplored that the authority had failed to ensure that such constructions were not raised without any approval.

The bench also noted that the utility services firms such as K-Electric were providing power connections to such illegal buildings in violation of relevant law.

The persons purchasing units in such constructions were being misled as to the legality of these buildings when they saw the utility connections provided by such firms.

It further stated that there was no provision in the Sindh Building Control Ordinance (SBCO), 1979 which could permit 'post facto' approval of any construction in such a manner which could clearly exceed the provisions of statute.

The bench passed these directives while dismissing some petitions against illegal constructions and applications of purchasers of residential units seeking to become interveners in these proceedings.

The bench ordered the demolition of the constructions involved in the petitions and directed the deputy commissioner and Senior Superintendent of Police concerned to provide requisite assistance to the SBCA in order to avoid any law and order situation.

It also asked the utility provider firms to disconnect the connections of such buildings.

"While parting we are pained to state the manner in which the affairs of Sindh Building Control Authority are being run and which is directly responsible for the loss suffered by the persons such as interveners. Despite being the regulators of constructions in the province of Sindh, buildings are being constructed either without approval or in deviation of approval and which could only happen with the collusion of officials of the SBCA or on account of negligence of the officers of SBCA all of whom have been failed to ensure that such constructions are not raised without an approval granted by it", it added.

The bench said that if a post facto approval was allowed to be granted, it would authorise the SBCA to act outside the preview of Section 6 of SBCO and the court would be sanctifying such illegality.

(By Ishaq Tanoli Dawn, 16, 02/02/2024)

Sindh gets 30 days to set up courts to try illegal construction cases

The Sindh High Court (SHC) on Thursday directed the provincial government to establish special courts within a month in order to try cases of illegal and unauthorised construction across the province.

A two-judge bench, headed by Justice Salahuddin Panhwar, observed that a complete mechanism had been provided in the Sindh Building Control (Amendment) Act, 2013 and the government was legally bound to establish such special courts in all towns of Sindh.

However, it deplored that despite the lapse of over 10 years, the provincial authorities had yet to comply with a mandatory provision of the 2013 law.

The Sindh Building Control Ordinance was promulgated in 1979 and a provision about setting up special courts was inserted through an amendment in 2013.

SHC expresses dismay over non-compliance of 2013 law under which govt is bound to establish special courts

The SHC directed the chief secretary and law secretary to implement its order in 30 days and warned that in case of failure, the law secretary would be summoned.

When the bench took up for hearing a set of petitions about illegal and unauthorised construction in the city, the counsel for Sindh Building Control Authority (SBCA) and police filed reports in the light of earlier court orders.

During the proceedings, it noted that Section 18-A of the Sindh Building Control (Amendment) Act, 2013 bound the provincial government to establish special courts and appoint judges of such courts after consultation with the chief justice of the SHC and no person be appointed as judge unless he or she had been a sessions or has 10 years' standing as an advocate.

The bench also observed that under the law, upon the establishment of such courts, all cases relating to the violation of the provisions of this act, pending in any court, shall stand transferred to the special courts having jurisdiction over such cases.

The bench in its order said that a complete mechanism had been provided and the province of Sindh was bound to establish special courts in the towns all over Sindh, but on a query, it had come on record that this section had not been complied with by the province despite the passage of over a decade as the ordinance was promulgated in the year 1979 and the provision in question was added in 2013.

"This court takes judicial notice and issue directions to the province of Sindh that law department shall notify the special courts provided under the Act in the area(s) falling within the limits of municipal corporations by establishing independent courts or by notifying regular courts as special courts with the consultation of Hon'ble Chief Justice of Sindh as provided under the Act," it added.

The bench said that this order must be complied with within one month. "In case of failure secretary law shall be in attendance. This order shall be communicated to chief secretary Sindh and secretary law for compliance. Non-compliance would be considered as pejorative act on the part of concerned authorities," it concluded.

Appointment mechanism sought

The same bench also summoned the director general of the SBCA along with a complete mechanism of appointments in the authority.

The bench noted that in view of Section 4-B of the Sindh Building Control Ordinance 1979, the government may appoint a committee which may subject to the control and direction of government oversee the functioning of the authority.

When the bench confronted the lawyer for the SBCA on the subject matter, he stated that generally, the authority notified a committee and inducted officers up to grade-17 in view of rules whereby candidates were required to appear in a written test and viva voce.

"The DG SBCA shall be in attendance and submit complete mechanism of appointment in terms whether such appointments are based on prometric system or through third party testing agencies as adopted by government of Sindh and shall also submit guidelines to conduct the exams. Complete details of recruitment within last six years shall be submitted including the details of tests conducted by that committee along with publications and mandate of that committee," the bench stated in its order.

About constitution of a committee as provided in Section 4-B, the bench said, "Secretary local government, government of Sindh shall submit notification, if any, under Section 4B referred above and focal person of secretary local government, government of Sindh shall be in attendance to assist the court."

The hearing was adjourned till Feb 28.
(By Ishaq Tanoli Dawn, 13, 16/02/2024)

Rehabilitation of displaced families is govt`s responsibility: SC

The Supreme Court on Wednesday directed the Sindh government to fulfil its responsibility for rehabilitating over 6,900 families rendered homeless by a demolition drive, which was carried out along with three major drains in the city.

The apex court also asked them to obtain the estimated cost of construction from the Pakistan Engineering Council (PEC) for building of houses for such displaced families.

Outside the premises of the SC Karachi registry, a large number of the affected people, including women, gathered and staged a protest against the government for failing to rehabilitate them despite the passage of around three years.

When a two-judge bench headed by Justice Mohammad Ali Mazhar took up the matter for hearing, the Sindh chief secretary and advocate general were not in attendance.

The court expressed resentment over their absence and directed them to immediately appear in court. Thereafter, both the officials appeared and informed the bench about implementation on its earlier orders regarding compensation and rehabilitation of displaced families.

A lawyer for the displaced families argued that instead of seeking cost of construction from the PEC in line the court order, the provincial government was getting the cost estimates from its own consultants while as per PEC the cost for construction of a house measuring 80 square yards stood around Rs3.7 million.

However, the chief secretary submitted that the houses were built for flood-affected families and the construction cost of a two-room house was Rs300,000.

He submitted that the issue about the cost of construction would be placed before the provincial cabinet.

The bench said that the rehabilitation of these families was the responsibility of the Sindh government and directed it to fulfil the same.

It asked the provincial authorities to get the estimated cost of construction from the PEC and file a report on April 8.

The bench also directed the chief secretary to appear in court on the next hearing.

The provincial authorities in the statement placed before the bench said that in the light of the apex court order passed in December, the provincial cabinet in January had approved the rehabilitation of displaced families including provision of 80 sq-yd plot for each family in Taiser Town, Malir and construction cost as estimated by the consultant capped at Rs1 million.

It further stated that there were 6,932 such families and the total cash compensation for construction was Rs6.9 billion which would be paid to the affected people by the Sindh government.

The statement also maintained that a committee comprising professors of the NED University, renowned architects, representatives of affected families and others would oversee the whole process.

The authorities had sought six month time from the court for completing the process of transfer of plots and disbursement of cash compensation for construction.

The demolition drive was carried out on the orders of the Supreme Court along with three major nullahs of the city in order to expand the drains.

In 2021 the apex court ordered the provincial and local authorities for compensation and rehabilitation of the affected and displaced families.

(By Ishaq Tanoli Dawn, 13, 04/04/2024)

SC gives PEC, Sindh govt two months to provide relief to over 6,900 displaced families

The Supreme Court on Monday directed the provincial government and the Pakistan Engineering Council (PEC) to complete within two months the entire process to estimate the cost of construction of houses for over 6,900 families rendered homeless by a demolition drive carried out along three major drains in the city.

The apex court also asked the provincial authorities to address the grievances of certain affectees after they submitted that their names had been mentioned in the verified list, but they had not been accommodated yet.

At the previous hearing, the Supreme Court had directed the chief secretary to obtain an estimate regarding the cost of construction on an 80-square-yard plot after the counsel for the affectees submitted that despite a court order, the Sindh government was getting the cost estimates from its own consultants instead of the PEC.

When a two-judge bench headed by Justice Mohammad Ali Mazhar took up the contempt applications against Sindh government functionaries for hearing on Monday at the apex court's Karachi registry, the chief secretary and advocate general placed in court a copy of the letter written to the PEC to provide the estimated/average cost of construction.

On court order, LG dept writes to engineering council to seek cost of construction on 80 sq-yd plot for victims of demolition drive

The bench was informed that on April 8 (Monday), the special local government secretary had communicated to the PEC chairman to furnish average cost of construction of a house on an 80 square yards plot.

They also submitted that the requirements of construction with specification for a house on ground floor would be forwarded by the provincial government to the PEC.

Chief Secretary Asif Haider Shah said that he would make a request to the PEC to give its opinion within a period of three weeks. The bench said that once the opinion of the estimated cost was received by the Sindh government, a copy of the same must be provided to the counsel for affectees.

The apex court also directed the PEC to call a meeting of the representatives of the Sindh government and affectees within a period of two weeks and after the meeting, a final estimated cost would be issued by the PEC.

"The entire process shall be completed within a period of two months and thereafter the matter be listed for hearing," the bench added.

Many other people also approached the apex court and their lawyer pointed out that certain affectees, whose names were already mentioned in the verification list of Gujjar Nullah affectees, had not been accommodated.

An additional advocate general submitted that such affectees may approach the focal person to chief secretary Syed Mohsin Hussain Shah for verification and they would be accommodated if found genuine.

The bench directed the affectees to approach the focal person.

A large number of the affected people, including women, had staged protests outside the apex court building on every hearing against the government for failing to rehabilitate them despite the passage of around three years and several of them had been complaining that their homes were also demolished, but they have yet to get any compensation on the account of rental support or accommodation despite approaching the officials concerned.

The demolition drive was carried out on the orders of the Supreme Court along three major nullahs of the city in order to expand the drains.

In 2021, the apex court had ordered the provincial and local authorities for compensation and rehabilitation of the affected and displaced families.

Thereafter, in August last year, during the hearing of an application seeking contempt proceedings against CM Murad Ali Shah for not complying with the orders of the apex court, the provincial authorities had forwarded proposals that the government would release amounts to each of the affected family for purchase of land and construction according to market value of land from where affectees were dispossessed.

About the cost of construction, the standards laid down by the PEC for construction of house measuring 80 square yards, would be followed, it added.

As an alternative, the Sindh government would allot a plot measuring 80 square yards to each of such families and after handing over peaceful vacant possession of such plots, the cost of construction would also be paid to each of families in accordance with the standards set out by the PEC. The affectees and their counsel opted for the second proposal.

(By Ishaq Tanoli Dawn, 13, 09/04/2024)

SC set to take up Karachi illegal construction, encroachment cases tomorrow

Chief Justice of Pakistan Qazi Faez Isa is scheduled to hear on Thursday (tomorrow) a petition, filed by former Karachi nazim Naimatullah Khan in 2010, seeking apex court's intervention to get the amenity plots vacated from "land mafia and political parties" in the city, and around 145 other related cases regarding encroachments on public spaces, illegal constructions and conversion of residential properties into commercial ones.

Led by the CJP, a three-judge SC bench comprising Justice Jamal Khan Mandokhail and Justice Naeem Akhtar Afghan will hear the cases at the apex court's Karachi Registry.

Notices have been issued to the Sindh chief minister, chief secretary and other functionaries of the provincial government, officials of cantonment boards, Karachi Port Trust, Sindh Building Control Authority, local administrations and over 100 other federal and provincial departments/officials as well as the law officers of the federal and provincial governments for April 25.

The apex court had passed several judgements and orders in the petition of the late Naimatullah Khan and other connected matters in the past, but such cases have not been fixed for hearing for over the past two years as the same were lastly heard by then chief justice Gulzar Ahmed, who hung up his robes in February 2022.

The former Karachi nazim had filed the plea in the apex court around 14 years ago, seeking help of the top court to get over 160 amenity plots vacated and, thereafter, hundreds of civil miscellaneous applications (CMAs) have been filed to either become interveners or impleading parties in the main petition.

The matters fixed for hearing on Thursday also include the issue of two private hospitals, located in Clifton, allegedly being run on amenity plots, encroachments on and around various drains of the city, restoration of Kidney Hill Park and cases regarding the Karachi Circular Railway.

The CMAs to be taken up for hearing are also about resettlement and compensation for the affectees of Gujjar, Orangi and Mehmoodabad nullahs, non-provision of water to the residents of Defence Housing Authority (DHA) through pipelines, construction on the premises of Karachi Gymkhana, suspected commercial activities at Askari Park, wedding halls on the premises of the Civil Aviation Authority office near Karachi airport and food street at Burns Road as well as cases about encroachments on amenity plots and illegal and unauthorised constructions in various parts of the city.

Plea against cancellation of land dismissed

The Supreme Court on Tuesday dismissed an application filed against cancellation of allotment of a 5,000-square-yard amenity plot in the city and directed the Karachi Development Authority (KDA) to file report whether the subject land could be converted into a park.

The Kanpur Old Boys Association had filed an application in 2015 against an order of the Sindh High Court regarding a dispute about the 5,000-square-yard plot located in Block-1, Scheme-36, Karachi.

The association had approached the apex court against a decision of the SHC which had accepted the local administration's petition about the cancellation of the subject land.

The lawyer for the appellants submitted that the ombudsman had ordered the authorities to issue challan for the allotment of the subject plot and the then city district government filed an appeal against the order of the ombudsman before the Sindh governor, who had also rejected the same, while the SHC had allowed the appeal of the city government, assailing the orders of the ombudsman and governor.

A three-judge bench of the apex court, headed by CJP Isa, questioned the jurisdiction of the ombudsman for hearing and deciding such matters and observed that the counsel for applicants also could not be able to produce the relevant record in the court.

Dismissing the application, the bench asked the KDA director general (DG) whether a park could be established on the subject land. The DG replied that he had to check the status of the land in question first.

The chief justice observed that amenity land could not be used for any purpose other than public services and deplored that the KDA DG was unaware about the status of the land and had no idea about utilisation of such plot. He directed the DG to file a report about the status of the subject plot.

(By Ishaq Tanoli Dawn, 13, 24/04/2024)

Govt told to receive claims of unregistered families rendered homeless in demolition drives

The Supreme Court has directed the provincial government and local administration to consider and decide within one month the claims of families who have been rendered homeless and not registered yet for compensation and rehabilitation after the demolition drive was carried out along three major drains in the city.

The court issued the order after the victims' counsel had informed the judges that government officials concerned were not ready even to receive their applications/claims.

As there are various complaints over non-registration of many affected families for compensation and rehabilitation by the authorities concerned, the apex court said that if any affected family had not been included yet, they might submit their claims to an additional commissioner of Karachi.

A three-judge bench of apex court headed by Chief Justice Qazi Faez Isa said that such claims must be filed within a month and the official concerned would have to inform such families whether their claims were accepted or not.

SC issues written order in nullahs victims rehabilitation case

It also ordered that once this exercise was completed the Sindh government should allot plots and pay compensation to the affected families without further delay.

The Supreme Court heard several cases related to encroachments on public spaces in the city on April 25 and the written order was released on Saturday.

At the outset of the hearing, a lawyer for some of the families submitted that houses of his clients had also been demolished, but their names were not included in the list of affected families maintained by the government for compensation and rehabilitation.

The counsel asserted that the families had been approaching the deputy commissioner office concerned as well as the commissioner of Karachi office, but the officials concerned were not ready even to receive their applications/claims.

When the bench inquired from the advocate general of Sindh, he submitted that besides providing financial support on account of rental support, the provincial government stood by its commitment to allot 80 square yard plots to the affected families as well as to provide construction cost while 6,932 affected families had been identified.

Responding to another question of the bench, he said that leases were granted to such families by the departments concerned.

The provincial law officer further said that on April 8, an identical application seeking registration of affected families also came up for hearing, but it was erroneously mentioned in the last court order that such families may approach the focal person of the chief secretary of Sindh for redressal of their grievances instead of focal person of the commissioner of Karachi, who has been dealing with such cases since long.

The bench in its order said, "However, if any family whose house was demolished has not been included may submit their claim, with supporting documents and photographs, if any, to the commissioner's focal person, Ms. Zunaira Jalil, additional commissioner-II, Karachi".

It also stated that since the matter needed to be finalised, all such claims should be filed within one month and those who submit claims must be informed of the decision whether their claims were accepted or rejected.

Rs1m for each house

The AG said that the amount for construction purpose was fixed at Rs1 million for each house by the Sindh government which was sufficient compensation, but since it was objected to by some of the affectees the matter was referred to the Pakistan Engineering Council to calculate what would be appropriate amount, and the PEC's calculation was awaited.

The apex court noted that last order passed on April 8, by this court stipulated compliance be made within two months on subject matter and such period had not expired as yet.

"Once the above exercise is completed the government should allot plots and pay compensation to the affectees immediately, and maintain proper record, without the need for an order from this court", it added.

The demolition drive was carried out on the orders of the Supreme Court along Gujjar, Mehmoodabad and Orangi Town nullahs of the city in order to expand the drains.

In 2021 the apex court ordered the provincial authorities for compensation and rehabilitation of the affected and displaced families.

Thereafter, in August last year during the hearing of an application seeking contempt proceedings against Chief Minister Murad Ali Shah for not complying with the orders of the apex court, the provincial authorities forwarded proposals that the government would release amount to each of the affected families for purchase of land and construction according to market value of the land from where the affected families were dispossessed while about the cost of construction, the standards laid down by the PEC for construction of house measuring 80 square yards, would be followed.

A large number of the affected people, including women, are used to gather and stage protests outside the apex court building on almost every hearing against the government for failing to rehabilitate them despite the passage of around three years and several of them have also been complaining that their homes were also demolished, but they have yet to get any compensation on account of rental support or accommodation despite approaching the officials concerned.

(By Ishaq Tanoli Dawn, 15, 28/04/2024)

SC order to remove encroachments in Karachi reignites fear of mass displacement

While the Supreme Court has ordered the authorities to remove within three days encroachments from all roads and footpaths, people feared that civic authorities would again allegedly misuse the apex court's directives to uproot thousands of people earning their livelihoods in and around hundreds of small and big markets in the city without giving them sufficient time and compensation.



Back in 2018, a massive anti-encroachment drive was carried out in the city on the directives of the Supreme Court under which small carts and stalls were removed from different roads and streets, but till date, most affectees had not been given any compensation.

The authorities did not return seized goods to a large number of vendors. Many alleged that the municipal staff concerned and police returned their seized pushcarts and valuables after taking bribes.

Thousands of families have been rendered homeless following a demolition drive along three major stormwater drains in the city and they have been running from pillar to post for years to get promised compensation but in vain.

While the apex court's recent order is widely hailed in terms of encroachments that have been occupying spaces meant to be used by the public, it doesn't sit right with vendors.

"My husband Ghulam used to put a stall of samosas outside Empress Market. Last time when an anti-encroachment drive took place, police seized his cart without any prior notice," Sakina Wali, 43, a housemaid, told Dawn.

"We had to literally beg them to return it back to us. My husband was abused and humiliated by the staff concerned, and we had to pay them a hefty amount of Rs20,000 to get our cart back," she said.

She claimed that her husband had a permit to conduct business on the street.

Kausar Bibi, who used to put a stall of spices outside the same Empress Market had a similar story. She is the sole breadwinner of a family of six, that includes four children, and she never returned to the market, instead she started her business outside Meena Bazaar, Karimabad.

"I am scared because I don't think I can afford to shift again to somewhere else. If they can come for us once, they won't shy away from putting it all to waste again," she said, tinge of fear evident in her voice.

Lawyer and human rights activist Abira Ashfaq provided insight on the situation, emphasising that the government must adhere to legal procedures regarding encroachments.

She stressed the importance of examining the necessity for the space by authorities and highlighted the need for a sufficient notice period for individuals using the land to relocate, along with financial assistance provided by the government.

"There are international guidelines about illegal land occupations. Instead of making irrational 'reckless' decisions, the authorities must take the sufferings of common people into account and understand that whether an occupation is legal or illegal, it requires a procedure and a notice period and financial compensation should be provided," Ms Ashfaq said.

Welcoming the decision to remove barricades, lawyer and rights activist Jibran Nasir voiced apprehension that the SC directive may cause confusion among small business owners on the streets.

Also on Saturday, a three-judge SC bench headed by Chief Justice Qazi Faez Isa issued its written order, directing the federal and all provincial governments to clear public roads and pavements of all encroachments within three days.

"Pavements are for the use of the public; access thereto and use thereof cannot be prevented or restricted. Everyone, including the provincial and Federal governments, and all those under them must abide by the law and cannot encroach upon public roads and pavements nor can block them which may stop or restrict public use thereof", the order said, and added: "Citizens must not be inconvenienced. Those paid out of the public exchequer serve the people, and not vice versa. The misplaced exceptionalism negates the Constitution and the rule of law."
(By Aleezeh Fatimah Dawn, 15, 28/04/2024)

SC gives centre, provinces 3 days to remove encroachment

The Supreme Court has given the federal and provincial governments three days to remove encroachments from roads and footpaths nationwide.

A three-member bench, headed by SC Chief Justice Qazi Faez Isa, issued a written order, accentuating the urgent need to address the hindrances faced by pedestrians, particularly due to containers obstructing Karachi's roads.

The court ordered the immediate removal of these containers from footpaths.

Initially placed to block roads for some reasons, these containers were later shifted to footpaths or roadsides, causing problems for pedestrian, as per the written order.

Moreover, municipal authorities have been directed to prioritise tree plantation efforts, acknowledging trees as vital in combating climate change and providing essential oxygen.

Expressing dissatisfaction with the administration's neglect of existing trees, the apex court directed the local governments to improve their care and maintenance.

The apex court also underlined the importance of conducting a comprehensive survey to assess the state of tree planting initiatives and to prepare a detailed report for action.

Noting the effectiveness of trees in reducing pollution and enhancing oxygen levels, the bench underscored the significance of practical steps in tree plantation efforts.

The attorney general has been tasked with disseminating the written order to all relevant government departments, while PEMRA has been instructed to broadcast a public service message regarding encroachment removal. Both federal and provincial governments have been given a three day deadline for encroachment removal, with costs to be borne by the responsible authorities.

The additional attorney general and the advocate general have been directed to submit a compliance report, with the court expressing anger at the encroachment mafia for unlawfully occupying especially the public properties. The written order highlighted the fundamental right of citizens to unrestricted movement and denounced the deprivation of taxpayers' rights by the government.

While acknowledging past challenges such as terrorist threats, the apex court stressed the unlawful nature of commercial establishments encroaching upon open spaces or green areas around buildings. Specific areas, including Gujjar, Orangi, and Mahmoodabad nullahs were mentioned for encroachment removal operation
(By Newspaper's Staff Reporter, The Express Tribune, 04, 28/04/2024)

Drive launched to remove encroachment from busy roads

A campaign has been launched to remove encroachments on busy roads and footpaths that have been obstructing traffic in the city, announced the spokesperson of the commissioner Karachi.

Deputy commissioners have submitted reports on the actions and progress taken in their respective districts to the commissioner, who has instructed them to open communication with relevant institutions and provide assistance as needed.

Concerned agencies and DCs have identified specific roads plagued by encroachments, leading to traffic disruptions and inconveniences for pedestrians. The removal of these encroachments is underway gradually, considering their nature and specific requirements.

Karachi Commissioner Syed Hasan Naqvi has directed DCs to provide regular updates on the progress of the action being taken.

Encroachments at Shama Shopping Centre, Shah Faisal Colony No. 3 Kalma Chowk, Azimpora Road, were successfully removed through a joint effort involving the police, Karachi Metropolitan Corporation (KMC), and the Town Municipal Administration (TMA).

Similarly, in South District, the anti-encroachment team, in collaboration with KMC, took action to eliminate encroachments at Atmaram Pritamdas Road, Lyari, and Shoe Market, Garden.

In a report, Keamari DC Junaid Iqbal informed the commissioner that timely action was taken to remove encroachment on 30 acres of government land in the Dhaiya Mooch Block-1 LDA 42 scheme.

The operation was conducted under the supervision of the ACs, with collaboration from the district administration and anti-encroachment force. The land, originally owned by the Lyari Development Authority (LDA), was transferred back to LDA upon completion of the process.

Central DC Fawad Ghaffar informed the commissioner regarding the commencement of a collaborative campaign with KMC on May 2. The campaign aims to address encroachments hindering traffic flow in Central District and is scheduled to last for a week.

All assistant commissioners and police officials have been duly informed and instructed to ensure the successful execution of this operation.

(By Newspaper's Staff Reporter, The Express Tribune, 04, 02/05/2024)

'Stubborn' encroachers make fun of official claims

Despite ongoing efforts by the Karachi commissioner and the Karachi Metropolitan Corporation (KMC) to tackle encroachments in the city, several areas continue to be plagued by illegal occupations, severely disrupting traffic flow and pedestrian movement.



Main roads and inner city streets alike bear the brunt of encroachments, making it increasingly challenging for citizens to walk on sidewalks and thoroughfares safely.

While the authorities are conducting anti-encroachment operations, the situation on the ground tells a different story. Allegedly, local bodies, assistant commissioners, town administrations, police, and traffic personnel turn a blind eye or even extend support to encroachers, exacerbating the problem.

Commercial establishments along major thoroughfares exacerbate traffic congestion, with motorcycles and cars parked haphazardly outside shopping malls causing gridlocks and snarls, particularly on Rashid Minhas Road and the stretch from Jauhar Morr to Jauhar Chowrangi.

Encroachments around the National Stadium and old Sabzi Mandi further compound traffic woes, while shops and restaurants encroaching on footpaths at Hasan Square add to the chaos.

Several city areas, including Liaquatabad No 10, Teen Hatti, Karimabad, Ayesha Manzil, Water Pump Chowrangi, Sohrab Goth, and Guru Mandir, are also affected by encroachments, hindering smooth vehicular movement.

Commercial hubs like Tariq Road, Bahadurabad, and Saddar suffer from encroachment issues, with temporary shops obstructing roads and footpaths.

Even residential areas such as Muhammad Ali Society and Korangi witness encroachments, exacerbating congestion and pedestrian inconvenience.

In the Old City area, encroachments add to traffic snarls, while car showrooms on major roads contribute to congestion on Khalid Bin Waleed Road and New MA Jinnah Road.

Orangi Town and New Karachi face similar challenges, with Banaras Chowk and Orangi No 5 particularly affected.

Encroachments along Abul Hasan Isfahani Road and stalls set up by fruit vendors from Karachi University to Safoora Chowrangi further exacerbate the issue.

Despite efforts to address the problem, the persistence of encroachments underscores the need for more effective enforcement mechanisms and cooperation between relevant authorities to restore order to Karachi's streets.

(By Naeem Khanzada 02/05/2024)

Encroachments from Karachi's Lyari river bed removed

In a significant move, the Sindh government has started operations against illegal encroachments from the 38-kilometre-long Lyari river bed.

In a decisive move to reclaim public land from illegal encroachers, the Office of the Assistant Commissioner, SITE, district Keamari along with Sindh police and Rangers conducted a comprehensive anti-encroachment operation in the Lyari river bed from May 16 to May 18.

Although the operation faced resistance from encroachers, it completed with 80 per cent success on its clearance goals, said a statement issued on Saturday.

The operation, ordered by Commissioner Syed Hassan Naqvi, aimed to clear significant portions of the river bed encroached by various illegal structures and activities.

The first phase of the anti-encroachment drive commenced in the Pak Colony Old Golimar area, targeting an area over 1km long. Various illegal parking facilities, sand-crushing plants, water plants, and makeshift housing structures were identified.

One of the heads of the illegal parking mafia was arrested, and 75pc of the encroachments were cleared. The operation faced resistance from a mob of 300-400 people, but the government officials handled them through successful negotiations and carried on the drive for the next two days.

The efforts continued to clear the Pak Colony Bridge area, resulting in the removal of 80pc of the encroachments, including 15 makeshift houses, two warehouses, nine animal barns, and three permanent houses.

The final phase of the operation achieved a 98pc clearance rate, with the removal of additional makeshift and permanent houses.

During the anti-encroachment drive, it was observed that the main resistance against the drive came from the local residents who were displaced due to the Lyari Expressway project. The government field teams recommended that the resettlement and compensation process for displaced families requires further improvement to prevent future resistance.

Mr Naqvi emphasised the stakeholder involvement in removing obstacles in the subsequent phases and said, through strict vigilance and cooperation among all stakeholders, we can maintain the reclaimed areas and prevent future encroachments.

(By APP Dawn, 16, 26/05/2024)

SHC orders probe into anti-encroachment drives in Malir goths

The Sindh High Court has ordered a probe into the conduct of revenue and anti-encroachment authorities over drives against encroachments in various goths of Malir.

The SHC observed that actions of these authorities raised serious concerns regarding the potential misuse of power and the excess of their legally conferred authority. The allegations suggest a disregard for the due process of law and rights of citizens particularly the underprivileged segments of society, the court observed.

The two-judge bench headed by Justice Salahuddin Panhwar further stated that chairman of the Anti-Corruption Establishment of Sindh was being appointed to conduct the inquiry and must determine whether actions taken were within the bounds of the land revenue laws and the Sindh Public Property (Removal of Encroachment) Act, 2010 and its rules as well as to scrutinise the regularisation process of a village.

The bench ordered an inquiry against the anti-encroachment operations carried out in Abdullah Goth, Dur Muhammad Goth and Lashari Goth and ordered that the inquiry must be completed and a comprehensive report be submitted within 90 days.

Bench asks govt to appoint ACE chairman to conduct inquiry and scrutinise village regularisation process

It noted that a report filed by the deputy commissioner of Malir last year detailed the existence of these goths and construction of cemented houses, a mosque and residences of numerous families therein and it was brought to the attention of the SHC that the revenue and anti-encroachment authorities had conducted anti-encroachment drives resulting in the displacement of villagers/poor persons from their homes.

Additionally, the bench said that an intervener also submitted several documents regarding the regularisation process of Dur Muhammad Jatoi Village before the revenue department concerned.

“Although the issue was not covered by the Sindh Public Property (Removal of Encroachment) Act, 2010, the revenue department and anti-encroachment authorities misused their powers and exceeded the authority invested in them under the law”, it added.

While dismissing a petition filed against encroachments in 2022, the bench also observed that there was a dispute between the board of revenue and Malir Development Authority over the area in excess, which was alleged to have been occupied by the MDA and thus, besides the issue regarding boundaries and demarcation, it required to be determined by recording evidence of the parties before the competent civil court.

(By Ishaq Tanoli Dawn, 13, 02/06/2024)

Plea filed against eviction of cattle market from Kala Pul

The Sindh High Court has accepted the plea for urgent hearing of a petition against the removal of a temporary cattle market established near the National Medical Centre (NMC) close to Kala Pul on Main Korangi Road near DHA.

During the hearing of the plea on Monday, the petitioner's lawyer argued that they had obtained a permit to set up the market after paying Rs4.745 million, but the police and administration suddenly demolished the market on Friday, causing a loss of millions of rupees to the businessmen.

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The market had 4,000 animals, and the authorities also took away the generators, tents, and other equipment. The police had demanded a bribe of Rs4 million. The court has accepted the plea for an urgent hearing and fixed the hearing of the case on Tuesday (today).

Separately, SHC rejected the appeal against the sentence of a man convicted of raping a 16-year-old girl at a private hostel, Zehra Home Hostel.

Justice Salahuddin Panhwar gave observation that Mehdi Hassan was already given far less punishment of 10 years in jail. "The girl was in a shelter home and you were her custodian, yet you abused her."
(By Newspaper's Staff Reporter, The Express Tribune, 04, 11/06/2024)