



IN THE REVENUE COURT OF COMMISSIONER KARACHI,  
KARACHI DIVISION

SUO-MOTO CASE NO.02/2015.

State

Versus

1. Mst, Umtul Zahara W/O Shahbaz Mirza.
2. Mr. Muhammad Rashid Chawala
3. M/s Columbus Tower
4. Petrol Pump

**ORDER:**

By this order, I intend to dispose-off the case of SUO-MOTO proceedings initiated as per request /reference made by ADC-II Karachi (south) vide his letter No. DC/SOUTH/GB/805 dated 06-05-2015 wherein informed, that, the entries in respect of Survey No.FT-3/29, 30, 31 & 32 are suspicious / counterfeit and fraudulently inserted in property register which is being maintained in the Office of the Mukhtiarkar Civil Line. He has, therefore, requested for the cancellation of said entries by exercising the powers u/s 164 (2) of Land Revenue Act-1967. (Annexure-"A")

02/- Brief facts of the case are that the NAB authorities (Karachi) through its Additional Director (Staff) required to Mukhtiarkar Civil Line vide their letter dated 31-03-2015 to attend their Complaint Verification Cell on 07-04-2015 with comprehensive informative report along-with supporting documents in respect of Bungalows NO. 1, 2, 3 & 4 behind Old Columbus Hotel, Karachi Clifton. (Annexure-"B").

03/- Pursuant to the directions from NAB side, Mukhtiarkar Civil Line after visiting the site of above Bungalows and perusing the relevant property register placed the report before Additional Director (Staff) NAB (Karachi) vide letter dated 06-04-2015 with a copy to AC Civil Line as well as ADC-II Karachi

(South). As per that report, aforementioned Bungalows are existed on Plot / Survey No.FT-3/29 & 30, Frere Town Quarters, adjacent to Old Columbus Hotel Columbus Tower, Clifton, Karachi. Report further said, that, both said plots are held on Municipal tenure on 99 years lease commencing from 21-07-1951, plot No.3/29 is entered in the name of Umtul Zehra W/O Shahbaz Mirza while plot No. 3/30 stands entered in the name of Muhammad Rashid Chawla. (Annexure- "C").

04/- On receipt of request from ADC-II, Karachi (South), issued notice dated 03-09-2015 to all beneficiaries of Plot / Survey Nos. Ft-3/29, 30, 31 & 32. Frere Town Quarters through Mukhtiarkar Civil Line, required them to appear in this Court on 09-09-2015 @ 3-00 PM and defend their side with supporting documents if they are interested. In case of their failure, case would be decided as exparte. The Mukhtiarkar Civil Line was also directed to appear along with relevant Property register.

05/- In response to this Court notice, learned Counsel Mr. K.D Rajani for respondents / residents of Columbus Towers ( Plot No. FT-3/31), learned Counsels M/s. Malik Waseem Iqbal & Abrar Raza for respondent / owner of PSO Petrol Pump ( Plot No.FT-3/32/1), learned Counsel Barrister Ishtiaque A. Memon for ( M/s. Anas Abdani, Muhammad Qasim, Muhammad Iqbal and Mrs. Rubina M.Hussain ) respondents / owners of (Plot No.FT-3/32/2), ADC-II, South and Mukhtiarkar Civil Line for State and Mr. Muhammad Tariq Khan, Deputy Director Land Saddar-II for KMC were appeared. On various date of hearings, the matter was heard at length, perused original property register and afforded full opportunity to contesting parties to prove their contentions.

06/- Learned Counsel for respondents / residents of Columbus Towers ( Plot No.FT-3/31) advanced his arguments, that, initially, the said plot was acquired by M/s. Hotel Columbus Limited, Clifton Karachi through open auction and subsequently KMC through its Municipal Commissioner namely Mr. Walayat Ahmed executed Deed titled "LEASE FOR PLOT SOLD BY AUCTION" with M/s. Hotel Columbus limited vide No.974 dated 04-04-1960. There-after, M/s. Hotel Columbus Limited disposed-off said plot to M/s. Ahmed Builders (Pvt) Limited vide Conveyance Registered Deed No.137 dated 09-01-1988 having MF Roll No.494 dated 13-01-1988.

07/- Learned Counsel further placed on record, that, M/s. Ahmed Builders (Pvt) Limited constructed high-rise building on plot consisting of Flats and Shops as per approved plan and then disposed-off the Flats / Shops to various persons through Sub-Lease Deeds, Mrs. Puri Bai Rajani W/O Kirpal Das Rajani is one of the sub-lessee of Apartment / Flat No. 604, 6<sup>th</sup> Floor, area measuring 1800 Sq. Fts. Vide Registered Deed No.2340 dated 13-11-2001 having MF Roll No.U-



51322 / 598 dated 13-12-2001. Now, the respondents / residents of Columbus Tower (Plot No.Ft-3/31) including Mrs.Puri Bai Rajwani are law full owners and therefore prayed show-cause notice & stay order may be vacated in the interest of justice.

08/- Learned Counsel Mr.Abrar Raza Ghumro appeared for PSO Petrol Pump (Plot No.FT-3/32/1) and advanced his arguments, that, his client is renowned Oil Distribution Company in Pakistan and running a Petrol Pump on aforesaid plot. Initially the KMC, keeping in view their resolution No.509 dated 11-10-1967 and with the sanction of Commissioner Karachi of relevant period was leased out above plot measuring 1421 Sq. Yards to one Mr.Sahibzada Afzal Muhammad Khan on 13-11-1997 through its Additional Director Land (Leases). There-after, lessee Sahibzada Muhammad Afzal Khan disposed-off said plot to Pakistan State Oil Company Limited through AGREEMENT TO LEASE dated 26-11-1997 and presently PSO is running petrol pump on above said plot.

09/- Learned Counsel further placed on record, that, the SUO-MOTO proceedings were initiated, as per report dated 06-05-2015 of learned Additional Deputy Commissioner-II, Karachi (South) against Plot / Survey No.FT-3/29, 30, 31 & 32 of Frere Quarters but the petrol pump is situated at Plot No.FT-3/32/1 which is not included in above plot / survey numbers. Besides, his client PAKISTAN STATE OIL COMPANY LIMITED is legal SUCCESSOR and TRANSFEREE of plot and therefore prayed show-cause notice dated 03-09-2015 and stay order dated 09-09-2015 may be vacated in the interest of justice.

10/- Learned Counsel Barrister Ishtiaque A. Memon appeared for (M/s. Anas Abdani, Muhammad Kassim, Muhammad Iqbal and Mrs.Rubina Muhammad Hussain) owners of (Plot No.FT-3/32/2) and advanced his arguments, that, as per report of Mukhtiarkar Civil Line dated 06-04-2015, Bungalows No.1, 2, 3 & 4 (under inquiry with NAB) are existed on plot / survey numbers FT-3/29 & 30, Frere Town Quarters, adjacent to Old Columbus Hotel, Columbus Tower, Clifton Karachi but learned Additional Deputy Commissioner-II, Karachi (South) while sending the reference to learned Commissioner Karachi through letter dated 06-05-2015 included two more plots No.FT-3/31 & 32 without touching / knowing the facts and requested for the cancellation of entries relating to all four Plots No. FT-3/29, 30, 31 & 32 by exercising the powers u/s 164 (2) of Land Revenue Act-1967.

Learned Counsel further contended, that, initially KMC, keeping in view the Resolution No.874 dated 17-04-1974 and with the sanction, dated 29-06-1974 accorded by the Secretary, Housing Town Planning Local Government Department Government of Sindh, was leased out plot No.FT-3/32/2 measuring 1421 Sq. Yards, Frere Town Quarters to Mr. Abdul Ghaffar Gabol S/O (Late) A.K. Gabol and Mrs. Nazo Gul W/O Abdul Ghaffar Gul for commercial purpose by way



