



TRANSPARENCY INTERNATIONAL-PAKISTAN

Ref: A11VOBTC /1022(1)

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

11th July 2013

Brig. Muhammad Abdullah
Administrator,
Pakistan Defence Officers Housing Authority
2-B, East Street, Phase-I
Karachi-75500
Pakistan

Subject: Complaint against the construction of 14 storeyed Beachview Club

Dear Sir,

TI Pakistan has received a complaint from Engr. Taimur Jamil resident of D-24 Darakhshan Villa Phase-6, DHA, Karachi against the construction of an illegal fourteen storeyed Beachview Club on a plot originally allocated for a park. The proposed fourteen storeyed club is in the midst of a purely residential area that will create nuisance by commercial activities such as concert, music programs wedding, and disturb the peace of the inhabitants mostly the senior citizens. The complaint along with is attached for your ready reference and is self-explanatory.

The complainant states:

"It would block my air and view, and my villa which is bordering the club and would face suffocation. The construction, digging and foundation are going on in war footing day and night by the contractor. My villa is in danger and my boundary wall may well collapse."

Mr. Jamil alleged that the utility plot next to his villa was originally a public park for children, senior citizens and residents of the area but it was converted into a **senior citizen library** and now being converted into a 14 storeyed club for commercial purposes. The complainant further alleged that the construction was started without inviting any public objections.

This is to state that if a public park is converted into a club or for other commercial purposes, it deprives a right of public.

The Supreme Court of Pakistan in recent past has given the following judgments in similar cases of parks:

Human Rights Case NO. 15283-G of 2010, Supreme Court of Pakistan on Friday 4th June 2010, ordered demolition of illegal construction of commercial buildings in F-9 Park, also known as Fatima Jinnah Park. (**Annexure A**).

In another **Suo Motu Case No. 10 of 2009** against M/s MAKRO HABIB, Pakistan Ltd, the Honorable Supreme Court directed Makro-Habib to remove its structures and installations



from the playground within three months, restore it to the same condition as existed on the date of the sub-lease and hand over its vacant possession to the City District Government. **(Annexure B).**

Transparency International Pakistan would greatly appreciate if you may kindly look into this matter, and respond to the allegations made by the complainant in the light of Supreme Court's judgments as how can DHA change the land area after 17 years.

The complainant has submitted a site plan No. D-24 Darakhshan Villa Phase VI issued to him by DHA dated 10th November 1996 in which it is clearly shown that the plot is a park, which was later converted into a library, which act was also illegal, and now it is proposed for a fourteen storeyed building for commercial purposes. **(Annexure C)**

TI Pakistan is striving to have Rule of Law in Pakistan which is the only way of eliminating corruption and have good governance in the country.

With Regards,


Syed Adil Gilani
Adviser

Sub-lease annulled by Supreme Court: Makro-Habib asked to vacate land

Posted By [AAJ News Archive](#) On December 19, 2009 @ 4:45 am In [Business](#) | [No Comments](#)

The Supreme Court on Friday cancelled a sub-lease of 4.958 acres of prime land in Karachi, meant for a playground which remains an amenity plot, to the Makro-Habib Store for commercial activity by the Army Welfare Trust (AWT). The court directed Makro-Habib to remove its structures and installations from the playground within three months, restore [...]



The Supreme Court on Friday cancelled a sub-lease of 4.958 acres of prime land in Karachi, meant for a playground which remains an amenity plot, to the Makro-Habib Store for commercial activity by the Army Welfare Trust (AWT).

The court directed Makro-Habib to remove its structures and installations from the playground within three months, restore it to the same condition as existed on the date of the sub-lease and hand over its vacant possession to the City District Government Karachi (CDGK).

A short order authored by Justice Jawwad S. Khawaja said, “the Government of Pakistan (acting in the name of the President) had no legal authority to grant leasehold rights in the said land to AWT, the lease dated 19.12.2002 in favour of AWT is without lawful authority, with the result that the same is cancelled and set at naught”.

On December 12, 2002, former President Pervez Musharraf, as lessor granted a lease of the land to AWT for 90 years at the yearly rent of Rs 6,020- only. Thereafter, on July 31, 2006, AWT transferred the land to Makro-Habib by way of sub-lease for an initial term of 30 years. Upon execution of the sub-lease AWT received advance rent of Rs 100,000,000 based on a variable annual amount of at least Rs 17,500,000 and a maximum equivalent to 1 percent of the annual turnover of Makro-Habib.

According to AWT and Makro-Habib, the lease and sub-lease aforesaid have created exclusive leasehold rights in favour of Makro-Habib for at least 30 years. As a consequence, Makro-Habib has constructed, what it calls a wholesale centre, on the said land. Earlier, on October 20, a three-member bench of the Supreme Court comprising Chief Justice Iftikhar Muhammad Chaudhry, Justice Jawwad S. Khawaja and Justice Ghulam Rabbani had reserved its judgement over the controversial piece of land.

The court held that the CDGK being the elected local government, representing the people, will develop and maintain the land as a playground or will allow its use for such other purposes permissible under the law. The court also cancelled the lease of the same piece of land to the AWT by the government and held that the President had no legal authority to grant leasehold rights of the same land to the AWT, which is a private trust primarily meant for the benefit of serving and retired personnel of the armed forces of Pakistan and their families.

The court held that the land was included in the area transferred by the government of Pakistan to the Karachi Development Authority (KDA), now the CDGK for the ‘Lines Area Project’ and was reserved as an open space dedicated for use as a playground in the Master Plan of the Lines