

IN THE REVENUE COURT COMMISSIONER KARACHI DIVISION
KARACHI DIVISION KARACHI

SUO MOTO CASE NO. 02/2015

STATE

V/s

1. Mst. Umtul Zahara W/o Sahbaz Mirza
2. Mr. Muhammad Rashid Chawala

ORDER:

Brief facts of the case are that the case of SUO-MOTO proceedings initiated as per reference made by the Additional Deputy Commissioner-II (South) Vide his letter No. DC/SOUTH/GB/1805/2015 dated 06.05.2015 wherein it was informed that the entries in respect of Survey nos. FT-3/29, 30, 30 & 32 of Frere Quarters, Civil Line District South Karachi are suspicious / counterfeit and fraudulently inserted in Property Register which was being maintained in the office of the Mukhtiarkar, Civil Lines District South Karachi and he further requested to initiate SUO-MOTO proceedings as required u/s 164(2) of Sindh Land Revenue Act 1967.

He further contended that the Mukhtiarkar Civil Lines after verification of site and record has reported as under:

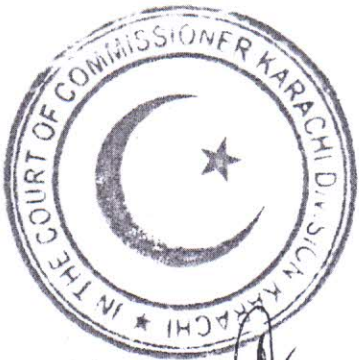
- i) That there is over writing on the Survey No. 29 and its area.
- ii) Page No. 120 of Register is pasted with Page No. 121.
- iii) There is only one entry on one page of the entire Property Register with Sheet as per scale.
- iv) There is difference in areas mentioned in the inserted pages of Property Register with Sheet as per scale.
- v) The Colour of the inserted Property Register Pages is different from the original old Property Register.

Responding to a query from the National Accountability Bureau, the Mukhtiarkar, Civil Lines, District South Karachi, vide his reference No. MUKH (CIVIL LINES)/S/CTS/334/2015 dated 06.04.2016 confirmed that aforementioned bungalows exist on Plot / Survey No. FT-3/29 & 30, Frere Town Quarters, adjacent to old Columbus Hotel, Columbus Tower, Clifton, Karachi. The report further said that both plots are held on Municipal tenure on 99 years lease commencing from 21.07.1951. Plot 3/29 is entered in the name of Umtul Zahra W/o Shahbaz Mirza while Plot No. 3/30 stands entered in the name of Muhammad Rashid Chawala.

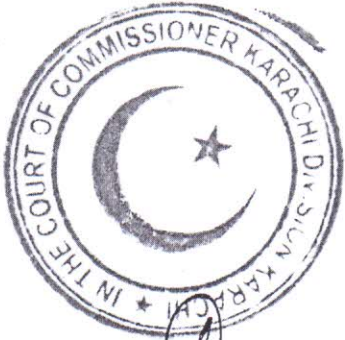
The case was taken up on 02.09.2015 and my predecessor had passed an order dated 30.12.2015 whereby it was ordered, that the Plot Nos. FT-3/31, 32/1 & 32/2, Frere Town Quarters were legally disposed off by KMC and the present owners^{are} enjoying their lease rights within the quilt of law. Therefore, the show cause notice dated 03.09.2015 to the extent of above three plots and the stay order dated 09.09.2015 was vacated pending proceedings against Plot No. FT-3/29 & 30, Frere Town Quarters, whereas proceedings were kept pending to the extent of the property under discussion.

5. Summon u/s 22 read with section 27 of Sindh Land Revenue Act 1967 were issued upon (i) Mst. Umtul Zahra W/o Shahbaz Mirza and Mr. Muhammad Rashid Chawala through Mukhtiarkar Civil Line within they were asked to appear before the Revenue Court of Commissioner Karachi, in person or through pleader alongwith documentary evidence in support of their ownership claim. It was also clarified that in case of failure matter would be decided exparte, but notices could not be served as the respondents were not available at the address as reported by the Mukhtiarkar, Civil Lines District South. Accordingly, the notices were pasted on the property under discussion.

6. Mr. Muhammad Khan Rind (Addl. Deputy Commissioner-II) and Mr. Muhammad Tariq Khan (Deputy Director Land, Saddar-II, KMC) appeared. They have already submitted their joint report in respect of Plot No. FT-3/29 & 3/30 Frere Town Quarters which is reproduced as under:



Sr. No.	Plot No.	Remarks
01.	FT-3/29	The entry in favour of Khan Shahah Ali No. (1) Qazi Zain Uddin S/o Qazi Zain-ul-Abdin, Mrs. Umtrul Zahara Mirza W/o Sher Mirza and all subsequent entries may kindly be cancelled and the land may be reverted in favour of KMC, as the same was illegally transferred by the Additional Director Karachi Metropolitan Corporation, Mr. Ashfaque Ahmed Ansari in favour of above mentioned persons and in this regard the FIR No. 48/2015 has been registered by the ACE Karachi against him with the approval of Hon'ble Chief Secretary Sindh.
02.	FT-3/30	Entry may be cancelled as the KMC authorities have already resumed / retrieved the said land reserved for KMC by the Accommodation Department, KMC currently vide Resolution No. 620 dated 26.06.1956.



7. Keeping in view of the facts as discussed above, perusing the relevant record and after applying judicious mind, I come to the conclusion that Plot No. FT-3/29 & 3/30 of Frere Town Quarters were fraudulently inserted in Property Register, which is being maintained in the Office of the Mukhtiarkar Civil Lines South Karachi. Therefore, I, **ASIF HYDER SHAH**, Commissioner, Karachi Division, do hereby cancel the entries relating to Plot No. FT-3/29 & 3/30 of Frere Town Quarters, in the name of Mst. Umtrul Zahra Mirza W/o Shahbaz Mirza & Mr. Muhammad Rashid Chawala.

8. Mukhtiarkar, Civil Line, District South Karachi is directed to enter the cancellation note on the record. Compliance report must reach within (07) days positively.

9. The KMC should approach the relevant court of law in case any entry has been kept on the basis of a registered deed and get the same cancelled by the competent court of law. The KMC should take over the possession of the properties immediately if not done so already.

10. Before parting with the judgment, the Administrator, KMC is requested to update his entire record with the revenue authorities and carry out a joint survey of all government properties under KMC and see that no property is fraudulently devoured by land grabbing mafia and any such cases may immediately be communicated for legal proceedings.

11. The Administrator KMC is also requested to pursue the case in the Anti Corruption Establishment Court and ensure that the culprits are convicted and the government interest is safeguard.

Announced in the open Court.

Given under my hand and seal of the Court of this office 1st July, 2016.



(ASIF HYDER SHAH)
COMMISSIONER KARACHI DIVISION
KARACHI

No.CK/Reader/ 66

/2016

dated 01-06-2016.

Copy to:

1. The Senior Member, Board of Revenue Sindh, Hyderabad.
2. The Member (Land Utilization) Board of Revenue Sindh.
3. The Administrator, KMC, Karachi.
4. The Deputy Commissioner, District South / East / West / Central / Malir / Korangi Karachi.
5. The Director (Land), KMC, Karachi,.
6. The Assistant Commissioner, Civil Lines, District South Karachi.
7. The Deputy Director (Land Saddar-II), KMC, Karachi.
8. The Mukthiarkar, Civil Lines, District South Karachi, for strict compliance. ruse