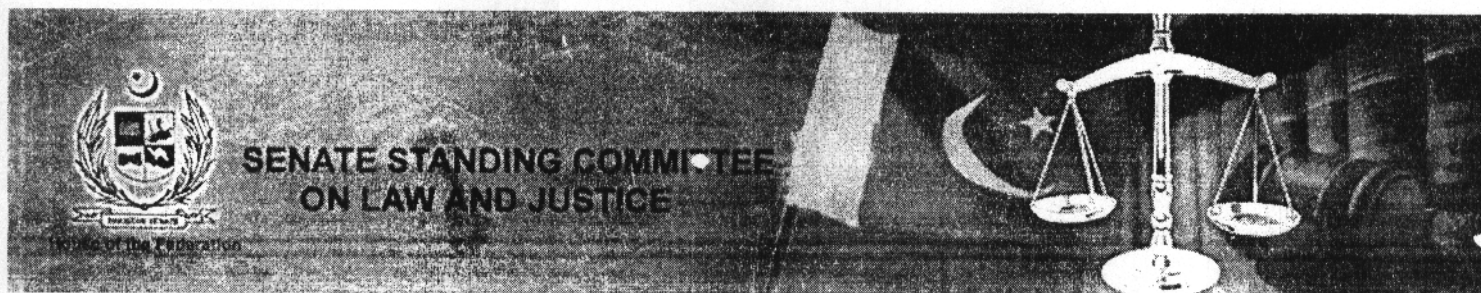


**REPORT OF THE STANDING COMMITTEE ON
LAW AND JUSTICE**



**“Affairs of cooperative housing societies in Islamabad
particularly the violations committed by them in planning
and allocation of land for community services”**

PRESENTED BY

**SENATOR MUHAMMAD JAVED ABBASI
CHAIRMAN**

Dr# 1867
Date 16/5/18

for Database /

[Signature]

SENATE SECRETARIAT

REPORT OF THE STANDING COMMITTEE ON LAW AND JUSTICE "AFFAIRS OF COOPERATIVE HOUSING SOCIETIES IN ISLAMABAD PARTICULARLY THE VIOLATIONS COMMITTED BY THEM IN PLANNING AND ALLOCATION OF LAND FOR COMMUNITY SERVICES"

1, Chairman of the Standing Committee on Law and Justice, have the honour to present a report on a matter referred by the House, arising out of a Motion under rule 218, moved by Senator Muhammad Talha Mehmood, regarding the "affairs of cooperative housing societies in Islamabad particularly the violations committed by them in planning and allocation of land for community services" which was referred by the House on 11th January, 2016, for consideration and report.

2. The composition of the Standing Committee on Law and Justice is as under:-

1.	<i>Senator Muhammad Javed Abbasi</i>	<i>Chairman</i>
2.	<i>Senator Raja Muhammad Zafar ul Haq</i>	<i>Member</i>
3.	<i>Senator Aitzaz Ahsan</i>	<i>Member</i>
4.	<i>Senator Dr. Muhammad Ali Khan Saif</i>	<i>Member</i>
5.	<i>Senator Syed Muzafar Hussain Shah</i>	<i>Member</i>
6.	<i>Senator Nehal Hashmi</i>	<i>Member</i>
7.	<i>Senator Ms. Ayesha Raza Farooq</i>	<i>Member</i>
8.	<i>Senator Nawabzada Saifullah Magsi</i>	<i>Member</i>
9.	<i>Senator Saeed Ghani</i>	<i>Member</i>
10.	<i>Senator Zaheer ud Din Babar Awan</i>	<i>Member</i>
11.	<i>Senator Mrs. Zahida Khan</i>	<i>Member</i>
12.	<i>Senator Farooq Hamid Naek</i>	<i>Member</i>
13.	<i>Minister for Law, Justice and Human Rights</i>	<i>Ex-Officio Member</i>

3. The Committee considered the matter in its meetings dated 25th January, 2016, 16th February, 2016, 8th March, 2016 and 18th April, 2016, respectively. It is pertinent to mention that the mover was invited in all meetings, however, he did not attend any meeting.

4. The Committee appreciates the assistance and support rendered by the Ministry of Law and Justice, Capital Administration and Development Division (CADD), Capital Development Authority and ICT Administration.

5. During the meetings it was informed that 51 Cooperative Societies are operating

in Islamabad, out of which 47 are housing societies. Out of these housing societies 23 schemes are dormant. The other 24 societies are functional with some irregularities. Director CDA revealed that there are four housing schemes that had conducted serious violations of building parameters and were now referred to NAB and FIA for investigation. It was discovered that the builders and developers against whom charges were filed had procured stay orders against the two law enforcement agencies.

6. It was informed that according to a system within the CDA one-fourth of the land is mortgaged so that if amenity plots are misused, the mortgaged land can replace it. The Committee was further briefed that CDA is primarily responsible for reviewing/ examining any violation of the Lay out Plan (LOP). After the directions of the Committee, CDA conducted a land audit in this regard. The Sponsors of Housing Schemes in Islamabad are required to allocate/reserve the plots/land for community purposes, parks, graveyards and schools etc. in the Layout Plan of the scheme area. The percentage of land required to be reserved for different land uses in the scheme area is as under:-

Standards for Required amenities

S.NO	Land use	%age
1	Public Buildings like school, masjid, dispensary, hospital, community centre, post office etc.	Not less than 4% of the scheme area
2	Parks/Open/Green Spaces	Not less than 8% in E-11, Zone-2 & 5. Not less than 15% in Zone-4.
3	Graveyards	Not less than 2%
4	Roads/Streets	Not less than 26%

7. Nature of violations in the approved LOP is of following kinds:-

- i. Usually, sponsors of housing schemes make changes in the approved Layout Plan without approval of CDA and public amenity areas or land approved for community services usually changed into commercial/residential areas.
- ii. Amenities are completely or partially changed into residential & commercial uses, like site for graveyard is converted into saleable area.
- iii. Amenities are partially changed into residential & commercial use thereby reducing size/dimension of plots/roads and nullahs etc.
- iv. Approved locations of Amenities are relocated in scheme area.
- v. Street/Road width in such schemes usually reduced for increasing plot sizes.

8. Approved Cooperative Housing Schemes are as under:-

Sr. No.	Name of Housing Scheme/ Location	Layout Plan Approved	NOC Issued
1.	Cabinet Division Sectors E-16, E-17	28-6-2004	13-10-2004
2.	Khayaban-e-Kashmir-I Sectors G-15/F-15	25-4-2002	13-5-2004
3.	Multi Gardens-I Sectors A-17, B-17 & B-18	27-9-2006	30-01-2008
4.	Ministry of Interior Sector G-16	23-05-2005	07-10-2010
5.	Tele Gardens Sector F-17	18-02-2005	30-01-2008
6.	CBR Town Mouza Lohi Bher Off Soan Garden Road, Islamabad Highway	24-02-2007	28-5-2009
7.	Gulberg Town Mouza Darwala, Khatreel and Sher Dhamyal, Darwala Road	18-6-2010	22-7-2011
8.	Soan Gardens Mouza Lohi Bher, Islamabad Highway	10-07-1994	09-08-2004
9.	Capital Enclave Mouza Lohi Bher, Islamabad Highway	11-6-2012	11-08-2014
10	AGOCHS-I, Mouza Lohi Bher Off Soan Garden Road, Islamabad Highway	27-02-2007	Not Issued
11	AGOCHS-II Mouza Kortana, Humak, Rawat, Bhangreel Khurd, GT Road (opposite DHA)	04-7-2006	Not Issued
12	Jinnah Garden-I Mouza Gagri, Lohi Bher, Sihala, Islamabad Highway	09-4-2011	Not Issued
13	Jinnah Garden-II Mouza Jabbi and Chak Kamdar, Kahuta Road(12-01-2008)	Cancelled on 27-02-2014	Not Issued
14	Khayban-e-Kashmir-II Mouza Dharwala, and Peja, Dharwala Road	12-01-2008	Not Issued
15	National Assembly Mouza Choocha, Off Darwala Road (23-4-2012)	Cancelled on 16-01-2014	Not Issued
16	Senate Avenue Mouza Gagri, Dharwala, Khartil, Hardogher and Paeja, Off	21-02-2009	Not Issued

	Japan Road.		
17.	Khayaban-e-Kashmir-I (Ph-II) Sector G-15/F-15	09-03-2011	Not Issued
18.	Khayaban-e-Kashmir-II Sector F-16	24-11-2005	Not Issued
19.	Federation of Employees, E-11	05-03-2008 Cancelled on 27-12-10	Not Issued
20.	Pakistan Medical M/s Medical CHS, E-11	18-05-2012 Cancelled on 11-04-2016	Not Issued
21.	Services Co-operatives M/s Services CHS, E-11	10-04-2010 Cancelled on 12-12-12	Not Issued
22.	Islamabad Gardens, E-11	10-06-05	22-08-2005

9. Violations of approved LOP By M/S J&KCHS, G-15/F-15

APPROVED PLAN OF J&KCHS G-15/F-15

Name of Scheme/Location	Sponsors	Date of LOP Approval	Date of Issuance of NOC	Area of Scheme (Kanals)
Khyaban-e-Kashmir	M/s J&KCHS	25-4-2002	13-5-2004	3482.62

LAND USE ANALYSIS AS PER APPROVED LOP & AS PER ACTUALS

Sr. No.	Land Use	Area (K/%) as per Approved Plan	Area as per Ground Position
1.	Mosques	26 (0.74%)	23.4 (0.07%) Deficiency of 2.6-K
2.	Schools/Colleges	69.83 (2%)	64.03 (1.83%) Deficiency of 5.8-K
3.	Health/Library Community Centre/Rest House/Other Uses	17.53 (0.5%)	1.7 (0.05%) Deficiency of 15.83-K
4.	STP	1.57 (0.04%)	0.8 (0.02%) Deficiency of 0.77-K
Total Public Building Area		114.93 (3.3%)	89.93 (2.58%) Deficiency of 25-K
5.	Parks/Green/Open	233.83 (7.88%)	81.69 (2.3%) Deficiency of 152.14-K
6.	Grave Yard	56.37 (1.90%)	44 (1.26%) Deficiency of 12.37-K

Parks/Green area and STP land measuring 6.4-K situated, St.41, Block 15/1 has been converted into residential/apartments and commercial plots.

REDUCTION OF PARK AREA

Park & Playground measuring 8.6-K has been reduced in size upto 4.6-K located in Street No.10, Block-15/1

CONVERSION OF PARK AREA

02 Parks measuring 4.7-K (out of 03) located in Street No.01 Block-15/3 have been converted into Apartments.

CONVERSION/REDUCTION OF SCHOOL SITES

3-K out of 8-K land reserved for Primary School located in street No.13. block 15/4 is utilized for Septic Tank.

CONVERSION OF PARK INTO STP

Park measuring 14-K in Street No.22, Block-15/4 is converted into STP

PARTIAL CONVERSION OF SCHOOL SITE INTO COMMERCIAL

Secondary School measuring 16.8-K on Road No.03 in Commercial Centre is partly used for creating 06 commercial plots each measuring 40'x60'. Now the school size is reduced to 14-K

CONVERSION OF PUBLIC AMENITIES PLOTS

Amenities plots on land measuring 18.5-K including Health Centre, Post Office, T&T, Rest House in Commercial Centre have been converted into 24 commercial plots.

CONVERSION OF PARKS/PARKING & CIRCULATION AREA

Sites approved for Parks & Open measuring (20-K) & Parking in Commercial Centre measuring 14-K has been converted to Commercial Plots by completely changing the plan of Civic Centre.

REDUCTION OF PARK SIZE

Park measuring 15.3-K located in Street No.09, Sector F-15 has been reduced to 12.74-K by constructing a Jamia Mosque.

CONVERSION OF MOSQUE SITE

Plot approved for Mosque (2.6-K) in Street No.09, Sector F-15, has been converted into commercial.


ACTIONS TAKEN BY CDA

- ▶ The sponsors were conveyed, on 13-01-2011 to justify the changes made without approval of the CDA.
- ▶ The sponsors were informed, on 12-5-2011 and 17-6-2011, that no approval of Revised Layout Plan of the scheme comprising 3,480 Kanal has been granted/issued by CDA.



- ▶ CDA, on 22-07-2011, issued Show Cause Notice to the sponsors regarding non-compliance of the instructions of the authority.
- ▶ A meeting with the management of the Society was held at CDA on 03-8-2011 wherein the sponsors committed that they will comply with observations/instructions of the authority within 30 days positively. Minutes of the meeting were issued on 27-8-2011 but the Society failed to comply with the instructions.
- ▶ The Society was finally informed, on 07-6-2013 that their request for approval of Revised LOP could not be acceded to. They were directed to comply with the orders of the Islamabad High Court dated 28-5-2012, restore the LOP of the scheme approved by CDA on 25-4-2002 and remove all violations.
- ▶ CDA, on 25-11-2013, requested Director FIA Islamabad Region, Islamabad, for registration of FIR and initiation of legal proceeding against the management of the Jammu & Kashmir Co-operative Housing Society for making following violations in the approved Layout Plan of the scheme. Circle Registrar Cooperative Societies, ICT was also informed accordingly.
- ▶ CDA, on the request of FIA, has provided the attested copies of all the requisite record regarding the petitioner society in enquiry **No.74/2013** to FIA, Corporate Crime Circle vide letter dated 13-11-2014.
- ▶ CDA on directions of FIA, has submitted its report (prepared on the basis of joint site inspection and ground verification of said violations of LOP) vide letter dated 15-04-2015 to FIA under enquiry No.74/13.
- ▶ Director Enforcement, CDA was requested vide letter dated 18-11-2015 for taking stern action in compliance to the orders of the honorable court, followed by a Reminder dated 04-12-2015.
- ▶ Director Enforcement, CDA on 28-12-2015 requested DC, ICT and SSP (Operation), ICT Police Islamabad to make plan and search operation before the operation expected in 1st week of January, 2016.
- ▶ A Reminder-II was issued by Director (Enforcement), CDA to Dy. Commissioner, ICT & SSP (Operation), ICT Police on 21-01-2016 regarding action against deviation in approved LOP of J&KCHS, Sector G-15/F-15 and he requested them to expedite the matter and provide requisite assistance.

COURT CASES

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- ▶ A resident of the scheme, filed a WP No. 1777/2011 in Islamabad High Court, Islamabad on the plea that the Society

has violated the approved LOP. The Islamabad High Court disposed off the Writ Petition on 28-05-2012, with the following directions:-

“The respondents are directed to act strictly in accordance with approved Layout Plan dated 25-4-2002 of the Jammu & Kashmir Housing Society. The respondent No. 2 CDA shall ensure the development of Housing scheme in accordance with said approved Layout Plan and any violation shall be dealt with under the CDA Rules by the respondent CDA”.

- ▶ The Division Bench of Islamabad High Court, on 09-5-2013, dismissed the Intra Court Appeal (ICA) No. 301/2012 filed by J&K CHS and upheld the earlier decision dated 28-5-2012, as under :-

“There appears no impropriety, illegality, irregularity, infirmity or hiatus in the impugned judgment warranting interference by this Division Bench. The impugned judgment is well reasoned, all the relevant facts were considered and no exception can be taken to it. The cumulative effect of the above discussion is that this Intra Court Appeal being bereft of is dismissed”.

- ▶ The Society filed CPLA No. 863/2013 in the Supreme Court of Pakistan against the Judgment dated 09-5-2013. CDA, in compliance with the orders of the Supreme Court, dated 19-9-2013, submitted factual report as per the ground position in the Supreme Court of Pakistan. The CPLA was disposed off by the Supreme Court of Pakistan with the following orders on 05-11-2013:-

“Since certain adverse observations have been made in the report prepared by the CDA, the learned counsel for the petitioner, on instructions, does not press this petition in order to avail any other remedy available to him against the said report order accordingly”.

- ▶ The society obtained stay order from Islamabad High Court on 04-12-2013 in Writ Petition No.4400/2013. The honorable Islamabad High Court passed the following orders in W.P No.400/2013 on 25-09-2014.

“Dy. Director FIA requests for permission to conduct an inquiry and then submit report in the Court. The petitioner after obtaining stay order from this Court is not willing to proceed the matter and mostly sought adjournments. They have also not collected the comments available on file. They may collect the same from



the office. FIA is directed to continue inquiry because criminal proceedings cannot be stayed for a long period in view of section 56-e of Specific Relief Act.”

- The honorable Court also passed the following orders on 30-09-2014 in Review Petition No.16/2014:-

“Notice for a short date. However, it is made clear that permission was accorded to conduct inquiry vide order dated 25-09-2014 but final report shall not be submitted without prior permission of Court.”

- Honorable Islamabad High Court passed the orders on **05-11-2015** in Crl. Org. No.397-W/2013 titled “ Muhammad Raza & Others VS Nadeem Hassan Asif & Others. The same is reproduced as under:-

“CDA officials are directed to remove all those mischief observed by them on their visit in compliance with decision of this court dated 28-05-2012. They are therefore, directed to take stern action for removal of all those constructions raised beyond the lay out plan by adopting coercive measures including taking on board the registrar Cooperative Housing Society to keep their operation within four corners of lay out plan as earlier directed. The compliance report shall be submitted within a period of 15 days”.

10. Violations of approved LOP in Multi Gardens (A-17, B-17 & B-18)

Sponsored by Multi Professional Cooperative Housing Society (MPCHS)

Approved Plan of Multi Gardens-I, Sector A-17, B-17 & B-18

Name of Scheme/Location	Sponsors	Date of LOP Approval	Date of Issuance of NOC	Area of Scheme (Kanals)
Multi Gardens-I/A-17, B-17 & B-18	M/s MPCHS	27-09-2006	30-01-2008	7672.90

LAND USE ANALYSIS AS PER APPROVED LOP & AS PER ACTUAL

Sr. No.	Land Use	Area (K/%) as per Approved Plan	Area as per Ground Position
1.	Mosques	26.53 (0.34%)	26.53 (0.34%)
2.	Schools/Colleges	180.64 (2.35%)	151.64 (1.98%)

			Deficiency of 29-K
3.	Hospital/Library/ Community Centre/Rest House/Club/T.E etc	118.21 (0.5%)	118.21 (0.5%)
4.	STP	6.79 (0.09%)	6.79 (0.09%)
Total Public Building Area		332.17 (4.32%)	303.17 (3.95%) Deficiency of 29-K
5.	Parks/Green/Open	553.27 (8.18%)	276.23 (3.6%) Deficiency of 277.04-K
6.	Grave Yard	89.71 (2.00%)	89.71 (2.00%)

REDUCTION OF RIGHT OF WAY

380 feet wide, out of 600ft Right of Way (R.O.W) between Sector A-17 and Sector B-17 measuring 199-K has been illegally utilized by planning of plots and development of lake

CONVERSION OF SCHOOL SITE

15 Kanal School Site has been completely Converted into residential plots

REDUCTION OF EDUCATIONAL SITE

Area of university plot has been reduced from 28 kanal to 14 kanal and this 14-k area has been utilized for creating new residential plots.

ENCROACHMENT ON CDA LAND

Water reservoir has been constructed on CDA's acquired land (*200 ft acquired land of CDA along G.T Road*).

ACTIONS TAKEN BY CDA

- i. M/s MPCHS was directed vide letter dated 29-01-2011 to submit the requisite documents and complete other formalities but the sponsors failed to comply with the said letter.
- ii. The changes/violations made by the society were conveyed to the sponsors vide letters/notices on 11-04-2011, 04-05-2011, 05-07-2011, 08-08-2011 and but they failed to follow the instructions of the Authority to restore the approved LOP.
- iii. CDA, on 25-11-2013, requested Director FIA Islamabad Region, Islamabad, for registration of FIR and initiation of legal proceeding against the management of Multi

- Professional Cooperative Housing Society, Islamabad for violations in the approved Layout Plan of the scheme.
- iv. the honorable Islamabad High Court has suspended the letter of CDA dated 25-11-2013 addressed to Director FIA.
 - v. CDA has provided the attested copies of all the requisite record vide letter dated 03-12-2014 for the purpose of enquiry, to FIA.
 - vi. Further, CDA has issued Final Notice to the sponsors of the scheme on 27-02-2015 regarding non fulfillment of terms & conditions of NOC for Multi Gardens housing scheme.
 - vii. A written report (duly signed & stamped) regarding inspection and ground verification of gross violations of the approved LOP made by M/s MPCHS was forwarded to concerned quarters of FIA vide letter dated 15-04-2015.

12. Violations of approved LOP in PMCHS, E-11 Sponsored by M/s PMCHS

APPROVED PLAN OF PMCHS, E-11

Name of Scheme/Location/ Sponsors	Date of approval of LOP	Date of Issuance of NOC	Area (Kanal)
PMCHS, E-11 sponsored by M/s PMCHS	18-05-2012 Cancelled on 11-04- 2016.	Not issued	276

LAND USE ANALYSIS AS PER APPROVED LOP & AS PER ACTUAL

Sr. No.	Approved Land Use	Approved Area (K/%)	Area as per Ground Position (K/%)
1.	Amenities (Public Buildings)	11.15-K (4.04%)	0.67 (0.24%) Deficiency of 29-K
2.	Parks/Green	22.19-K (8.04%)	3.06 (1.10%) Deficiency of 29-K
3.	Grave Yard	5.52-K (2.00%)	0-K (0.00%) Deficiency of 5.52K

PUBLIC AMENITIES LAND USE ANALYSIS

Sr. No.	Land Use	Area (K/%) as per Approved Plan	Area as per Ground Position
1.	Mosques	0.67 (0.24%)	0.67 (0.24%)

2.	Schools/Colleges	9.33 (3.38%)	0.00 (0.00%) Deficiency of 9.33-K
4.	STP	0.54 (0.19%)	0.0 (0.00%) Deficiency of 0.54-K
Total Public Building Area		10.54 (3.82%)	0.67 (0.24%) Deficiency of 9.87-K
5.	Parks/Green/Open	22.19-K (8.04%)	3.06 (1.10%) Deficiency of 19.13-K
6.	Grave Yard	5.52-K (2.00%)	0-K (0.00%) Deficiency of 5.52-K

CONVERSION OF RESIDENTIAL PLOTS INTO COMMERCIAL REDUCTION OF ROAD/STREET WIDTH


Residential Plots No. 176 & 166 (**0.67-K each**) have been Converted Into Commercial Blocks, Creation of New Plots and the width of road in and around the commercial area has been decreased from 40 feet to 24 feet and extended the commercial area in violation of the approved layout plan. Commercial plaza constructed encroaching street, thereby street width reduced. Size and Planning of apartment area has been entirely changed and creation of new commercial plots.

Actions taken by CDA

- i. CDA, on 14-06-2012 published a public notice in National Dailies regarding approved layout plan, land use analysis and schedule of plots of the scheme for information of the general public.
- ii. The management of Society was directed vide letter dated 07-06-2013 to immediately stop the construction of commercial area which is being constructed in violation of the approved LOP and complete the formalities for obtaining the NOC from CDA but the society failed to comply with the observations conveyed vide said letter.
- iii. The management of PMCHS was again directed vide letter dated 10-07-2013 that till the finalization of the report and its submission before the honorable Islamabad High Court no further construction is to take place on the "Amenities plots" "Commercial Plots" and "Nullahs Areas" situated in Sector E-11.
- iv. Director Housing Societies, CDA vide letter dated 25-11-2013 requested the Director FIA Islamabad region for registration of FIR against the management of Pakistan Medical Cooperative Housing Society, Sector E-11 Islamabad.



- v. FIA informed vide letter dated 28-10-2014 that inquiry No.76/2013 of FIA Corporate Crime Circle Islamabad has been initiated against M/s PMCHS and requested to provide the attested copies of relevant record. Attested copies of the requisite record were furnished to FIA vide letter dated 03-12-2014.
- vi. A written report duly signed and stamped by Director (HS) & TP (HS-I) regarding inspection and ground verification of gross violations made by M/s PMCHS of the approved LOP was submitted to FIA vide letter dated 15-04-2015.
- vii. M/s PMCHS was directed on 27-03-2015 to stop the construction work which is being carried out in violation of the approved LOP and was also directed to deposit the fee/penalty amounting to Rs.2,571,492/- on account of change in approved LOP and start of development work without NOC. The said penalty amounting to Rs.2,571,492/- has been recovered by CDA from the sponsors.
- viii. Director Enforcement, CDA was also requested vide letter dated 27-03-2015 to take stringent action as per law and get the construction work stopped immediately.
- ix. FIA informed vide letter dated 28-10-2014 that inquiry No.76/2013 of FIA Corporate Crime Circle Islamabad has been initiated against M/s PMCHS and requested to provide the attested copies of relevant record. Attested copies of the requisite record were furnished to FIA vide letter dated 03-12-2014.
- x. DD (Enforcement) Western Circle was also requested vide letter dated 01-06-2015 to take action in compliance to the orders passed by the honorable Islamabad High Court on 28-01-2015 and get the construction work stopped.
- xi. Gross violations of the approved LOP of PMCHS were identified on ground to AD (Enforcement), CDA on 06-07-2015 and was requested vide letter dated 08-07-2015 to take stringent action as per orders of the honorable Court.
- xii. Reminder-I was issued to AD (Enforcement), CDA on 29-07-2015 regarding implementation of the Islamabad High Court Orders dated 28-01-2015 in ICA No.741/2013 and was also requested to take action and get stop the construction work immediately which is being carried out in violation of the approved LOP.
- xiii. The Authority also requested the Circle Registrar Cooperative Societies Department, ICT on 10-05-2010, 04-06-2010 and 01-07-2010 to initiate immediate necessary action against the Management of the Society for the illegal conversion of residential plots into commercial in violation of approved layout plan
- xiv. An inquiry is also being conducted by NAB Rawalpindi on account of violations of approved LOP.



- xv. CDA has cancelled/withdrawn the LOP approval dated 18-05-2012 vide letter dated 11-04-2016.

COURT CASES

- The society violated the approved layout plan and in W.P No. 1657 of 2011 the Islamabad High Court passed the following orders on 13-07-2011:-

“CDA is directed to take punitive action against respondent No.01 (management of society) for converting residential plots into commercial plots, in violation of Layout Plan approved by CDA.”

- In compliance to the recommendations of the Judicial Commission constituted by the Islamabad High Court, a committee has been set up by the Authority to investigate Private Housing Societies issues, inter alia, conversion of amenities plots into residential and commercial plots and encroaching the nullahs/natural streams by creating residential & commercial plots.

- In ICA No.741/2013 the honorable Islamabad high Court passed the orders on 28-01-2015 the operative part is reproduced as under:-

“The Capital Development Authority is directed to constitute a team of its officials to visit the Society and any construction which is in violation of the approved plan may be stopped forthwith. A report in this regard may also be submitted in this Court before the next date of hearing.”

The Capital Development Authority is further directed, not to allow any violation of the plan approved in accordance with Law.

SOAN GARDENS ZONE-05, ISLAMABAD

VIOLATIONS IN SOAN GARDENS (PARKS)

- i. The planned green area measuring 4.12 kanals in street No.4 and 5. Block A has been converted into residential.
- ii. Green strip measuring 7.09 kanals in street No.11 Block A has been converted into residential.
- iii. Plot measuring 4.45 kanal for Park along Mehran road in block-A has been converted into residential.



- iv. The green space measuring 7.93 kanal in street No.6, Block-C has been converted into residential.
- v. Plot measuring 3.83 kanal allotted for park in street No.9, Block-C has been converted into residential.
- vi. Land measuring 4.58 kanals for play ground on street No.1 & Kohsar Road Block C has been converted into school and residential.
- vii. The land allocated for park measuring 1.33 kanals has been commercialized in Block-E, street No.4&7.
- viii. The area of Masjid (1.33 kanals) has been reduced to by creation of shops in street No.4&7Block-E.
- ix. Plot measuring 4.79 kanal in street No. 1 and 11 in Block-E has been converted into residential.
- x. The plot measuring 5.3 kanal for park in street No.4, 5 and Shalimar road in block-F has been converted into commercial.
- xi. Plot measuring 3.41 kanal for Park in street No.8,9&10 Block F has been converted into residential.
- xii. Plot measuring 105.72 kanal for play ground in Block-G has been converted into residential and commercial.
- xiii. Plot measuring 7.20 kanal for Yasmin Ladies Park and 10 kanal allotted for college along Yasmin Road and Shalimar Road has been converted into residential and commercial.
- xiv. Green strip measuring 15.25 kanal along road 6 in Block-H has been converted into residential.
- xv. Central Park in Main Civic Centre along Soan Avenue has been reduced from 37.23 kanals to 5.52 kanals

VIOLATIONS IN SOAN GARDENS (Public Buildings)

- a. Commercial area in street No.9, 10 and Khyber road in Block-A has been extended over Masjid plot by reducing its area from 2.56 kanal to 0.75 kanal.
- b. Plot measuring 11.11 kanal for Boys college Bolan road in block-B has been converted into residential.
- c. Reduction of Masjid plot area measuring 11.10 kanal in Block-B. Plots have been created on this plot and area of masjid has been reduced to 4 kanals by creation of commercial plots.



- d. Plot measuring 4.21 kanal approved for Fire Brigade in Street No.9 & Soan Avenue, Block-C has been converted into residential.
- ii. Plot measuring 2.58 kanal for Masjid in street No.3&5, Block-C has been converted into residential.
- iii. The plot for health centre measuring 2.87 kanal in Block-D has been converted into commercial plot.
- iv. The plot measuring 4.15 kanal for primary school in Street No.2, Block-D has been converted into commercial.
- v. The plot measuring 5 kanal approved for commercial and 21 kanal for amenities along Shalimar Road in Block-F has been converted into residential.
- vi. Plot measuring 3.08 kanal for masjid plot in street No.8, 9, 10 in block-F has been converted into residential.
- vii. The plot measuring 5.63 kanal for Masjid in street No.4, 5 and Shalimar road in block-G has been converted into commercial.
- viii. Plot measuring 59.46 kanal for grave yard in Block-G has been converted into residential
- ix. Plot measuring 10 kanal for college along Yasmin Road and Shalimar Road has been converted into residential and commercial.

ACTIONS TAKEN BY CDA

- i. Legal proceedings were initiated by CDA through FIA and Circle Registrar ICT, the custodian of the administrative affairs of the Cooperative Societies vide letter dated 07-04-2010.
- ii. CDA has also registered FIR against the Management of Civilian Employees Cooperative Housing Society on 06-05-2010.
- iii. FIA arrested the management of the CECHS responsible for violations in the scheme and submitted challan in the High Court
- iv. The High Court granted bail to the persons arrested by FIA in this case.

VIOLATIONS IN THE APPROVED LOP OF MPCHS, E-11, ISLAMABAD

- i) Residential area as per approved LOP is 446.08-K(54.97%) whereas, as per actual it is 483.81-K (61.71%).
- ii) Open Spaces & Park area as per approved LOP is 65.24-K (8.04%) whereas, as per actual it is just 14.0-K (1.72%).

- iii) STP is not constructed by the Society in violation of Clause-Vi of NOC letter dated 23-08-2005.
- iv) Society has constructed a restaurant on land reserved for Open space/Park.
- v) In Sector E-11/1, Street No.02 a plot measuring 180'x242' was approved for flats area with G+8 floors, which they have violated the approved LOP by exceeding the permissible number of floors from G+8 to G+11.
- vi) A project in the name of Veranda residences is being constructed on a plot approved for Commercial and Park (G+5).

The Committee was surprised to know that the law is silent as to further action to be taken by CDA in case of such violations. The only remedy is that the ICT Administration can freeze the accounts of such societies/ schemes or else matter can be referred to FIA.

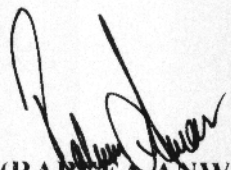
13. The Committee is of the view that such officials of CDA who were tasked/ mandated to see whether any violation of LOP was committed, shall be taken to task as such violations are not possible without their convenience.

14. During Meeting, Registrar Cooperative, ICT, shared various initiatives being taken by them in order to curtail such violations which included; giving three month time to societies for publishing LOP, annual general meeting minutes, voter lists, etc. on the website. Minutes are being approved after verification from concerned municipal authority. He also made reference to Sections 44-D & E, wherein, the registrar is authorized to issue directions to the cooperative societies in the public interest or to prevent the affairs of any society being conducted in the manner detrimental to the interests of its Members.


15. The Committee stressed upon the need to protect the bonafide purchasers at every cost, therefore, the Committee recommended as under:-

- i. Minor violations may be adjusted.
- ii. Previous violations, which are not possible to rectify, may be accommodated by amending the regulations, however, no compromises will be made on public parks. In this context, any land adjacent to the Housing Societies may be bought and utilized as Public Park.
- iii. Space for graveyards shall be acquired in the near vicinity, rather two to three cooperative societies can make joint venture for providing and maintaining said space.
- iv. Alternate sites shall be given for public buildings.

- v. A mechanism shall be put in place wherein, mortgaged plots with CDA shall not be disposed off by the cooperative societies.
- vi. Sale purchase of plots/ land shall be done through proper sale deeds.
- vii. The Co-Operative Societies Act, 1925, shall be amended to bring it in line with the modern day requirements and to provide a procedure for checking such violations.
- viii. Cooperative Societies Rules shall be notified, as soon as possible.
- ix. Penalties provided in CDA regulations shall be enhanced to provide fine "upto five hundred thousand rupees", in case of violations.
- x. Concerned institutions/departments shall ensure expeditious disposal of judicial cases; cases pending for more than three years shall be withdrawn from the lawyers/judicial officers dealing with the same, causes for delay shall be investigated and lawyers/officers involved shall be taken to task.
- xi. Officers who are involved in the violations or acted in connivance shall be given exemplary punishments.



(RABIA ANWAR)
J.S / Secretary Committee



(SENATOR MUHAMMAD JAVED ABBASI)
Chairman