

**CAPITAL DEVELOPMENT AUTHORITY
PLANNING WING
Directorate of Housing Societies**



No. CDA/PLW/(HS)RP-2(700)/2003/Vol-III/ 385

Islamabad, 5th September, 2025

Dy. Chief Executive,
M/s Bahria Town (Pvt) Ltd.,
New Bahria Head Office,
Business District, Bahria Town,
Phase-8, Rawalpindi.

Subject:- SHOW CAUSE NOTICE

UNDER SECTION 49-C, 46 & 46-B OF THE CDA ORDINANCE 1960, READ WITH, CLAUSE-5 (I) & (III) OF THE ICT (ZONING) REGULATION, 1992 AND CLAUSES 40-42 OF "THE REGULATION FOR PLANNING AND DEVELOPMENT OF PRIVATE HOUSING/FARM HOUSING, APARTMENTS/COMMERCIAL SCHEMES/PROJECTS IN ZONES-2, 4 & 5, OF ISLAMABAD CAPITAL TERRITORY, 2023, FRAMED UNDER ICT ZONING REGULATIONS, 1992".

ILLEGAL CONVERSION OF PUBLIC AMENITY PLOTS, DEMOLITION/REMOVAL OF WORK/STRUCTURE/BUILDING AND STOPPAGE OF USE OF LAND IN BAHRIA TOWN (PHASE-III E & IV), ZONE-5, ISLAMABAD]

Ref:- This office letters dated **28-5-2013, 27-9-2013, 02-10-2013, 19-9-2014, 21-01-2015, 05-01-2023, 06-01-2023, 20-3-2025, 21-5-2025 & 01-9-2025,** regarding the subject matter.

It is informed that the Layout Plan of "Bahria Town Phase-III E & IV Housing Scheme" sponsored by M/s Bahria Town (Pvt) Ltd. was approved by CDA, vide letter No. CDA/PLW/HS/RP-2 (700)/2003/Vol-1&II/1423, dated **08-12-2010**, subject to terms & conditions mentioned in the letter. The Layout Plan of the scheme was approved in Mouza Kotha Kalan and Mouza Humak, Zone-5 Islamabad, over an area measuring **2, 999 Kanals** and comprising of 2,730 residential plots, along with other allied Land uses.

2. It has been observed that M/s Bahria Town (Pvt.) Ltd. (BTPL) has failed to comply with the terms & conditions of the Layout Plan approval and complete the pre-requisites for obtaining NOC for the scheme from CDA, in spite of lapse of about **15 years**. Instead, the sponsors of the scheme executed the development works at site and sale of land/plot of the scheme before the NOC of the scheme is obtained from CDA. M/s BTPL was clearly informed, through LOP approval letter of the scheme, that they will refrain from carrying out any development work at site and sale of land/plots of the approved housing scheme before the NOC of the scheme is issued by CDA. Thus, development of the scheme at site and construction of buildings in the scheme without obtaining NOC is violation of the CDA Ordinance 1960 and ICT (Zoning) Regulation, 1992.

3. It has been observed with grave concern that various **Violations of Approved Layout Plan** have been made on site. **The same was also shown to your Representatives during meeting in CDA, on Thursday, 15-5-2025**, in the office of Member (P&D), CDA. None of the Executives of M/s BTPL bothered to even attend that Crucial Meeting, regarding Issues of your Schemes/Projects, which depicts your interest to resolve Long Outstanding Issues with CDA.

4. The Summary of Violations of Approved LOP, already committed by M/s BTPL, is as under:

Sr. No.	Approved Land Use (As per LOP)	Location	Land Use (As per site)
1.	Graveyard	Street No. 53	Residential
2.	Graveyard	Corice Road	Commercial
3.	Masjid	Commercial Avenue	Parking
4.	Open Space	North of SE Boulevard	Road
5.	Open Space/ Park	Main Boulevard, Civic Center	Parking
6.	Park	Street No. 21	Parking
7.	Park	Cornice Road	Commercial
8.	Public Building	Commercial Avenue	Commercial
9.	Public Building	Main Boulevard, Civic Center	Commercial
10.	River Bed	Commercial Avenue	Commercial
11.	School & Play Ground	Street No. 44 & 48	Football Club/ Commercial Use

5. It was conveyed that the Honorable Islamabad High Court, Islamabad, in WPs. No. 2929, 2930, 2931, 2932, 2933, 2934 of 2013 & 4303 of 2012, ordered as under:

"Hence in view of above referred case laws, I am of the view that respondents have violated procedure provided in Modalities & Procedures framed under ICT (Zoning) Regulations, 1992 for Development of Private Housing Schemes in Zones Two & Five of Islamabad Capital Territory Zoning Plan as respondents are bound by their Undertaking submitted before the CDA as they will never convert, relocate or modify the Layout Plan without prior proper approval, even in this case they started conversion and at the same time they have submitted the Revised Layout Plan, hence, they have adopted Illegal Procedure as there is no concept of Ex-Post Facto Approval rather they have to get the Revised Layout Plan at the first instance and then start Relocation or Modification only in the larger interest of public if allowed by the CDA.

Even otherwise the respondent Society has violated the terms of its Undertaking which was submitted before CDA, respondents have developed monetary interest against the public at large, and all actions under the so-called modification, relocation are made against the public interest, Public Amenity plots cannot be changed for any purpose. Hence, the actions of relocation, modification of commercial plots or residential plots in violation of Approved Layout Plan are hereby declared Illegal".

The above Orders have been upheld by the Honorable Islamabad High Court, Islamabad in ICA No. 263-269/2016 and Supreme Court of Pakistan in CP No. 3221-3227/2016., and thus have attained Finality.

6. The Honorable Islamabad High Court Islamabad, in its Judgment in Writ Petition No. 1662/2018 titled Toquir Ahmad, MD Des Pardes vs CDA, dated 11-5-2018, Ordered as under:

"CDA Authorities are directed to visit all the Societies and Verify the Credential of All Utility Plots, Service Areas, Parking Lot, which belong to CDA under the Layout Plan (LOP) or under the NOC granted to the Society, and if it is found that any Illegal Structure has been raised on the Amenity Plots by the Society or any Third Party, they can proceed in accordance with Law without taking any exception and Director Building Control, CDA as well as Director Societies, CDA shall also issue Warning Notice to all the Societies and their Executive Bodies to comply with the CDA Bye-laws in Letter & Spirit."

7. Islamabad High Court, Islamabad, in its orders dated **26-5-2025**, passed in **WP No. 4043/2024**, titled "Muhammad Anwar Ch. etc. vs CDA", has directed as under:

"15. In view of above, the instant Writ Petition No. 4043 of 2024 is Allowed. The impugned Revised Layout Plan dated 21-3-2023, passed by CDA is declared to be Illegal, without lawful authority and of No Legal Effect, and is hereby Set Aside. The respondents are directed to Restore the Layout Plan of CBR-ECHS Phase-1 to its Original Form as approved on 24-02-2007. The CDA is further directed to ensure that **no amenity plots, green areas or public utility spaces are converted to residential commercial usage in violation of applicable laws and regulations**, and that the **rights of the residents are safeguarded** in future with no order as to costs".

8. Islamabad High Court, Islamabad, in **I.C.A. No. 289 of 2018**, Muhammad Akbar Abbasi and others Versus Capital Development Authority through its Chairman and others

6. The appellants are the allottees of plots / units allotted by the CECHS with respect to an area which does not form part of an approved layout plan. It is incumbent on a purchaser to satisfy himself that the plot / unit being purchased by him is within the limits of the layout plan duly approved by the CDA. **It is also incumbent on a housing society not to sell plots or units which do not form part of an approved layout plan. In the event, the Regulator is to carry out the penal measure of demolition of structure made in violation of the approved layout plan, it is the housing society that would be liable to pay damages to the allottees.**

7. We have gone through the impugned judgment dated 17.05.2018 passed by the learned Judge-in-Chambers with great interest and keenness and have been given no reason to interfere with the same. Consequently, the instant appeal is dismissed. There shall be no order as to costs.

9. The Honorable Islamabad High Court (IHC), Islamabad, in **Cr. Org. No. 73/2023**, titled Muhammad Yameen vs Kamran Cheema. Has passed following Orders on **15-4-2025**:

9. Therefore, in order to resolve this issue, it is hereby declared that the Secretary, Cooperative Societies Department, the Director (Housing Societies), CDA, and the Circle Registrar, Cooperative Societies Department, are obligated to verify that in future no plot shall be allotted beyond the approved LOP to any person in the society. Similarly, the Executive Committee of the society shall submit an undertaking before the CDA and the Cooperative Societies Department when applying for the approval of the LOP/NOC, affirming that **they will only allot plots within the approved LOP** and that subsequent conversion of any street or plot number is not permissible once it has been allotted, provisionally or otherwise as per map of the society. Furthermore, the society shall not incorporate any clause in the provisional or final allotment letter stating that "they are empowered to change the location or number of the plot," as the power for conversion of any plot or street number, or the shifting of the location of a plot, is not permissible once the LOP has been approved and the plots are earmarked.

10. The Honorable Islamabad High Court, Islamabad, in the **WP-2766/2019**, titled **Bahria Town (Pvt.) Ltd. Vs CDA**, Ordered on **26-9-2019**, as under:

4. On 30-8-2000, the CDA approved the layout plan for Bahria Town Scheme comprising Phase-II, III, V and VI (excluding Phase- II-E, IV and VI-E). at Mouza Kotha Kalan. Zone-5. Islamabad. On **23-11-2018**, the petitioner submitted an application to the C.D.A. for the approval of the **Revised Layout Plan** for the said scheme.

7. It was confirmed by the learned counsel for the petitioner that the development activity carried out by the petitioner with respect to the above-mentioned housing Schemes were in accordance with the Revised Layout Plans which had not been approved by the CDA. Thus far, I am of the view that the **petitioner's conduct in**

carrying out developmental activity in accordance with Revised Layout Plans which had not been approved by the CDA disentitles it from relief in the discretionary/equitable jurisdiction of this Court.

8. In view of the above, the abovementioned **Writ Petitions** are **Dismissed**, with no order as to costs.

11. M/s BTPL was directed, vide this Office Notice No. 204, dated **21-5-2025**, to get the all the plots of Public Amenities (Parks/ Play Grounds/ Open Spaces/ Public Buildings etc.) vacated, and restore it as per the **Approved Layout Plan**, and submit a **Compliance Report** in this regard, **within 10 days** of issuance of this Notice. M/s BTPL, replied aforementioned Notice vide letter dated **29-5-2025**. However, it is made clear that said Reply is not based on facts and had not been accepted by CDA.

12. Further, the Directorate General of Federal Audit has framed **Audit Para 3,4.65/2023-24**, titled "Illegal Construction of Commercial Building along Corniche Road, Bahria Town Phase III-E & IV, Zone-5, without prior approval from the CDA and Violation of the Layout Plan". The Departmental Accounts Committee (DAC), headed by the Secretary Ministry of Interior, has discussed the Para and Ordered to Remove such Illegal Commercial Buildings, constructed in River Bed, Graveyard & Park/Open Space. This Audit Para will now be discussed in the Public Account Committee of the Parliament (PAC), scheduled to be held on **24-9-2025**.

13. Therefore, under the provisions of Section 49-C, 46 & 46-B of the CDA Ordinance 1960 [Demolition/Removal of Work/Structure/Building and Stoppage of Use of Land in Contravention of the Approved Layout Plan], read with, Clause-5 (1) & (iii) of the ICT (Zoning) Regulation, 1992 and Clauses 40-42 of "the Regulation for Planning and Development of Private Housing/Farm Housing, Apartments/Commercial Schemes/ Projects in Zones-2, 4 & 5 of Islamabad Capital Territory, 2023, framed under ICT Zoning Regulations, 1992", M/s BTPL are directed to:

Remove, demolish or alter the building, structure or work, or stop the use of the land and, in so doing, may use such force including police force as may be necessary and may also recover the cost therefor from the person responsible for the erection, construction or use of the building, structure, work or land in contravention of the provisions as aforesaid, reading the Buildings constructed on the Land/Plots Transferred to CDA, in 7 days, without Excuse & Fail.

14. The Following **Punitive Actions**, in addition of above, may also be initiated against you being **Defaulting Sponsor**:

- a. **Cancellation** of Approved Layout Plan
- b. The Case may be referred to the Investigating Agencies like **NAB, FIA**.
- c. **Suspension** of Approval of Building Plans of your Scheme by CDA.
- d. **Sealing** of your Society Offices & Site Offices

15. You are also provided an Opportunity of **Personal Hearing**, in your Defense (if any), in the Office of the undersigned, during Working Hours, within **7 days**.

16. This is issued without prejudice.

(IJAZ AHMAD SHEIKH)
Director Housing Societies

Distribution:-

1. **Dy. DG (Enforcement), CDA**

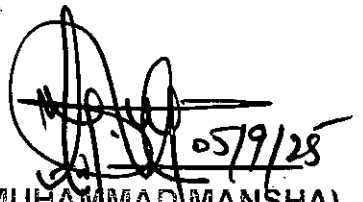
[It is requested to make necessary arrangements, on expiry of Notice period, for taking over of Vacant Land/Transferred to CDA and demolition/removal of buildings/structures constructed in violations of Approved LOP on the Land/Plots earmarked for Amenity/Public Building Areas, including **Corniche Road**], in co-ordination of this Office, Directorates of EM-III & Building Control (North), CDA, with the approval of the Competent Authority, under Section 49-C of CDA Ordinance 1960, Clause 5(i) of ICT Zoning Regulations 1992, Clause-3(2) read with Schedule-II, Part-VI (2&3) of CDA Conduct of Business Regulation, 1985].

2. **Director Building Control (South), CDA**

[It is requested to initiate action for demolition/removal of the Illegal buildings/structures constructed, in violations of Approved LOP on the Land/Plots earmarked for Amenity/Public Building Areas, including **Corniche Road**, with the approval of the Competent Authority, under the provisions of Section 49-C of CDA Ordinance 1960, the Pakistan Capital Regulation (MLR) 1982, Clause 5(i) ICT Zoning Regulation 1992 and relevant Clauses of Islamabad Capital Territory Building Control Regulation 2020 (amended in 2023)].

Copy to:-

1. Member (P&D), CDA
2. Deputy Commissioner, ICT/Registrar Co-operative Societies, Islamabad.
3. DG (Law), CDA
4. DG (Urban Planning), CDA,
5. Director Audit, CDA
[w.r.t. Para 3.4.65/2023-24]
- 6. Director (I.T), CDA
[It is requested to Upload this Show Cause Notice on CDA Website for Awareness of the General Public & All-Stakeholders]
7. Director Staff to the Chairman, CDA
8. DC, CDA/Sr. Special Magistrate, CDA
9. Joint Registrar of Companies,
Securities & Exchange Commission of Pakistan, (Companies Registration Office), State life Building, 1st Floor Blue Area, Islamabad
[w.r.t Section-456 of the SECP Act, 2017]
10. PS to Member (Estate), CDA
11. Master File


(MUHAMMAD MANSHA)
Dy. Director (HS)

Computer Dte. CDA
Dy. No. 2315
Dated: 10-9-2025