



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



No. CDA/PLW/HS(127)/BP-IV/2025/ *29*

Islamabad, 14th January, 2026

**Engr. Muhammad Saleem,
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 PARADISE COMMERCIAL SCHEME-IV, ZONE-5, ISLAMABAD]

Ref:- Please refer to this office letter dated 17-10-2023, 16-01-2024, 09-5-2024, 29-5-2024, 09-7-2024, 27-12-2024, 21-01-2025, 23-4-2025, 18-7-2025 & 10-10-2025, regarding the subject matter.

It is informed that the Layout Plan of Bahria Paradise Commercial Scheme-IV, sponsored by M/s Bahria Town (Pvt) Ltd., over an area measuring 243.34 Kanals, was approved by the competent Authority, vide letters dated 29-8-2023, subject to certain Terms & Conditions.

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 prerequisites for obtaining NOC for the scheme from CDA, in spite of lapse more than 2 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 in Scheme-IV**, have been made on site. The Summary of Violations of Approved LOP, already committed by M/s BTPL, is as under:

Sr. No.	Approved Land Use (As per LOP)	Area (Kanals)	Location	Land Use (As per site)
1.	Open Space	5.20	Access Road 100' Wide	Commercial

2.	Nullah 34' Wide	-	Access Road 100' Wide	Covered with Tuff Tiles and use as Commercial
3.	Open Area	2.29	Cornice Road, St. 8-A (Adjacent to Masjid)	Developed as Parking Area
4.	Open Area	0.82	Street No. 10	Commercial Building No. 128 Stands Constructed & Plot No. 127 is under Construction
5.	Open Area & Private Land	-	Street No. 11 & 13	Commercial
6.	Public Utilities & Open Area	-	Cornice Road	Work Shop of Construction Material [Steel]

4. It is further observed that M/s BTPL has illegally extended the Scheme area without Prior approval of Layout Plan, and obtaining NOC from CDA, which is mandatory under the provisions of subject CDA Ordinance & Regulations made there under. Therefore, this Work/Structure/Building being Constructed/Erected, and Land is being used in Contravention of the subject legislature is ILLEGAL.

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 To quir 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. Full Bench of Honorable Islamabad High Court, Islamabad, in its Judgment, in WP 676-2017, titled "Shahzada Sikandar-ul-Mulk vs CDA" dated 09-7-2018, has declared at Para-41 that:

- Construction of houses or buildings of any nature, whether in the "Golra Revenue Estate" or the area comprising "Bani Gala" which have been or are intended to be constructed in Violation of the Master Plan, the Ordinance of 1960, the Zoning Regulations of 1992, the Ordinance of 1966 and the Wildlife Ordinance of 1979, as the case may be, are **Illegal**, without **Lawful Authority and Jurisdiction and thus liable to be Demolished as mandated under the Ordinance of 1960 and the regulations made there under.**
- None of the respondents have been able to place on record any document which would establish the legality of their building.
- **The Authority is the Sole and Exclusive Regulator and the Union Councils were not vested with Authority to grant any Approval, Contrary to or in Violation of the Ordinance of 1960 and the Regulations, made there under.**
- We also declare that in case of any violation, the Chairman and each Member of the Authority shall be jointly and severally liable for breach of duties and obligations imposed under the Ordinance of 1960.
- The Chief Commissioner, Islamabad Capital Territory shall be equally responsible if the legal framework in the un-acquired areas is violated.
- **We also declare that the Authority is the Exclusive and Sole Regulator and the provisions of the Ordinance of 1960 and the Regulations made there under are attracted in the case of a Private Housing Authority established in any part of the Islamabad Capital Territory.**

12. The Supreme Court of Pakistan, in Civil Petition 3491/2018 & several others, filed against above Orders of the Full Bench of Honorable Islamabad High Court, Islamabad, dated 09-7-2018, has ordered as under on 17-9-2018:

"Having heard the learned council for the parties, we do not find that the impugned judgment suffers from any factual or legal errors; rather we concur with the said judgment that all the construction raised in areas of Mouza Bani Gala and E-11 are without authorization and for this reason the learned High Court has rightly provided mechanism to regularize the un-authorized construction on these properties. Obviously, this mechanism also caters to the grievance of the petitioner before us. Resultantly, we direct that CDA should immediately proceed with the mechanism so provided and examine and deal with buildings constructed in these areas strictly in accordance with the principles laid down in Capital Development Authority v/s Abdul Qadeer Khan (1999 SCMR 2636) and the recommendations made by the learned High Court in the impugned judgment thereby to resolve the issue. Periodical progress reports be filed in this court after an interval of two months. In the meantime, properties already constructed shall not be demolished by CDA but **no person shall be entitled to raise new construction by an inch or lay a brick from this day onwards. All those properties which are sealed shall remain sealed and any person who violates or breaks such seal shall be held for contempt of court on account of disobedience of the Court's order.** These matters are accordingly disposed of."

13. Ghulam Haider Shah v. Province of Punjab

The Lahore High Court in Ghulam Haider Shah v. Province of Punjab (**1980 CLC 1837**) refused to grant writ relief to creatures on public land, holding that courts should not aid in the regularization or sale of amenity land to unauthorized occupants.

14. Ghulam Haider Shah v. Province of Punjab

The Supreme Court of Pakistan in Ghulam Haider Shah v. Province of Punjab (**1983 SCMR 458**) held that courts are not to act in aid of encroachment; unauthored occupants of public/amenity land have no locus standi to seek writ relief and authorities are under a legal duty to restore public land to its intended use.

15. M/s BTPL was directed, vide above referred letters, to fulfill the terms & conditions of the Layout Plan approval and complete the pre-requisites for obtaining NOC for the scheme from CDA. But it is regretted to inform that the same has not be fulfilled till date.

16. Further, the Directorate General of Federal Audit has framed **Audit Para 12/2024-25**, titled "Non-cancellation of Layout Plan of the Scheme due to Recovery of Outstanding Dues of Fines/Penalties and Commercialization/Land Use Conversion Charges for Rs. 1,842.270 Million".

17. 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.

18. 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**.
- e. **Suspension of Processing/ Approval of other cases of M/s BTPL, being Defaulter of CDA**

19. 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**.

20. Photographs of the Site are attached for reference
21. 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 demolition/removal of buildings/structures constructed in violations of Approved LOP on the Land/Plots earmarked for Amenity/Public Building Areas, in co-ordination of this Office, Directorates of EM-III & Building Control (South), 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, 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)].

3. **Director Housing (Monitoring & Evaluation), CDA**

[It is requested to proceed further in compliance of the Job Description Notified by Member (P&D), CDA, vide No. CDA/PS/M(P&D)/2023/9034, dated 10-8-2023, on the directions of CDA Board]

4. **Director (EM-III), CDA**

[It is requested to proceed further in compliance of the CDA Board Decision, dated 08-4-2025]

Copy to:-

1. Member (P&D), CDA

2. Deputy Commissioner, ICT/Registrar Co-operative Societies, Islamabad.

3. DG (Urban Planning), CDA,

4. **Director Audit, CDA**

[w.r.t. Para 12/2024-25]

5. **Director (I.T), CDA**

[It is requested to Upload this Show Cause Notice on CDA Website for Awareness of the General Public & All Stakeholders]

6. **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]

7. Director Staff to the Chairman, CDA

8. DC, CDA/Sr. Special Magistrate, CDA

9. PS to Member (Estate), CDA

10. Master File

Computer No: CDA
Dy. No: 176
Dated: 16-01-2026

(MUHAMMAD NISHA)
Dy. Director (HS)

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