

No. CDA/PLW/HS(90)/Ext. J&amp;KCHS/2020/ 429

Islamabad, 1<sup>st</sup> October, 2025**Sardar Sabeel Mumtaz Khan,**

Secretary, Jammu &amp; Kashmir Co-operative Housing Society (J&amp;KCHS)

Community Centre, Sector G-15 Markaz, Main G.T Road, Islamabad

**Subject:- FINAL 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".

[NOTICE FOR ILLEGAL CONVERSION OF PUBLIC AMENITY PLOTS, TRANSFERRED IN THE NAME OF CDA IN "KHAYBAN-E-KASHMIR-I" HOUSING SCHEME, SECTORS G-15/F-15, ZONE-2, ISLAMABAD SPONSORED BY M/S JAMMU & KASHMIR CO-OPERATIVE HOUSING SOCIETY

**Ref:-** Please refer to this office Minutes of Meeting (MoM) issued vide No. CDA/PLW/HS(90)/Ext. J&KCHS/2020/236, dated **05-6-2025**, and Show Cause Notice dated **27-8-2025**, regarding the subject matter.

It is informed that Layout Plan (LOP) of the Khyaban-e-Kashmir-I Housing Scheme in Sectors G-15/F-15 in Zone-2, Islamabad, over an area measuring **3,482.62 Kanals**, sponsored by M/s Jammu & Kashmir Co-operative Housing Society (J&KCHS), was approved by CDA on **25-4-2002**, subject to conditions given in the Approval Letter, which were required to be completed within prescribed timeframe. Accordingly, the land under Roads, Parks, Graveyard & Public Buildings were Transferred in the name of CDA vide Transfer Deed, dated **31-3-2003**. Subsequently, No Objection Certificate (NOC) for Development of the Housing Scheme was issued by CDA, vide letter dated **13-5-2004**, subject to conditions mentioned in the letter.

2. M/s J&KCHS, being sponsors of the Scheme, were required to complete certain conditions & formalities within prescribed time-frame as per the provisions of Modalities and Procedures, framed under ICT (Zoning) Regulation 1992, for Development of Private Housing Schemes in ICT. The Completion Period of the Scheme was **6 years**, i.e. the Development of Infrastructure Works in the Scheme were to be completed by **13-5-2010**. One year extension was granted after Payment of Rs.500,000/- and its completion period was extended up to **13-5-2011**. But it has been observed with grave concern that the Sponsors of the Scheme have failed to completely develop the Scheme in accordance with the Approved LOP, Engineering Design & Specifications and fulfill the Terms & Conditions of the said NOC, even after lapse of more than 21 Years of issuance of NOC.

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3. Instead, M/s Jammu & Kashmir Co-operative Housing Society (J&KCHS), Started/Carried Out Development Works of Illegally without any Approval of Layout Plan (LOP) and obtaining No Objection Certificate (NOC) from CDA, which is mandatory under the provisions of subject CDA Ordinance & Regulations made thereunder, for "Khyaban-e-Kashmir-I [Extension] Housing Scheme", over an area measuring approx. **1,078 Kanals**, located at Sectors G-15/F-15 in Zone-2, Islamabad. No Housing Scheme can be Advertised, Floated, Launched, Planned & Developed, in Islamabad by the Private Sponsors without Approval of CDA. Thus, this Work/ Structure/Building is being Constructed/ Erected and Land is being Used in contravention of the subject legislature and is Illegal. **CDA issued separate Show Cause Notice on 13-6-2025, for this Irregularity & Illegality. Subsequently, the Office of M/s J&K CHS were Sealed, which were De-sealed on the Orders of the Honorable Islamabad High Court, Islamabad.**

4. It has been observed with grave concern that M/s J&KCHS has violated the Approved Layout Plan and **Illegally Converted** the sites reserved for **Parks, Graveyard & Public Buildings**, Transferred in the Name of CDA, vide aforementioned Transfer Deed, into other uses without prior Approval of CDA. The details of **Illegal Conversions** are as under:

| Sr. No. | Location/reference                 | Approved Land use                                                                     | Changed Land use                                                                     |
|---------|------------------------------------|---------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------|
| 1       | Street No. 41, Block-15/1          | Park/Green/STP                                                                        | 21 Residential Plots, Library and Commercial                                         |
| 2       |                                    | Nullah                                                                                | Alignment changed width reduced                                                      |
| 3       | Street 10, Block-15/1              | Park & Playground (193'x 243')                                                        | Reduced in size                                                                      |
| 4       | Street No. 12, Block-15/2          | Park (Triangular Shape)                                                               | Partly utilized for Tel Exchange                                                     |
| 5       | Street 6, Block-15/2               | Park (177'x245')                                                                      | Reduced due to Underground and overhead water tank                                   |
| 6       | Street No. 01, Block-15/3          | 3 Parks                                                                               | Apartments                                                                           |
| 7       | Street No. 1, Block-15/4           | Graveyard and green area along Nullah                                                 | Graveyard not functional, no boundary wall, thus possession of this land is doubtful |
| 8       | Street No. 13, Block-15/4          | Primary School                                                                        | Half site utilized for Septic tank                                                   |
| 9       | Street No. 22, Block-15/4          | Park/STP                                                                              | Not provided                                                                         |
| 10      | Road No. 1, Block-15/4             | 2 Parks (92'x222' each)                                                               | Not developed                                                                        |
| 11      | Street No. 1, Block-15/4           | Mosque not yet constructed                                                            | Not Provided                                                                         |
| 12      | Road No. 1 (Main Road), Block-15/4 | Nullah Reduced                                                                        | Commercial                                                                           |
| 13      | Commercial Center                  | Secondary School (241'x380') Road No. 3                                               | Partly utilized for creating 6 Commercial plots (40' x 60')                          |
| 14      |                                    | Amenities Plots like Health Center, Post office, T&T, Rest House 170' x 590'          | 24 Commercial plots of various sizes                                                 |
| 15      |                                    | Park & Parking                                                                        | Commercial plots                                                                     |
| 16      | Right-of-way of Kashmir Highway    | An underground, open concrete tank constructed in the Right-of-way of Kashmir Highway |                                                                                      |
| 17      | Mauve Area along Kashmir Highway   | Mauve Area Planned and Developed without approval of CDA                              |                                                                                      |

**Part of the Scheme falling in Sector F-15**

| Sr. No. | Location/reference                                              | Approved Land use       | Changed Land use  |
|---------|-----------------------------------------------------------------|-------------------------|-------------------|
| 1       | Street No. 1                                                    | 2 Park                  | Not developed     |
| 2       | Street No. 9 (60' wide) opposite plot no. 115 & 120 across road | Park                    | Jamia Masjid      |
| 3       |                                                                 | Park                    | Residential Plots |
| 4       |                                                                 | Masjid                  | Commercial        |
| 5       | Road No. 4 (150' wide)                                          | Green Area along Nullah | Nullah Reduced    |

Society can never develop **Graveyard** for the Scheme, due to Litigation and No-possession of land earmarked for Graveyard.

5. It transpires that this is a clear case of willful concealment of facts, criminal breach of trust and fraud with motive to achieve wrongful gains in violation of the commitments on the part of M/s J&KCHS to spare agreed amount of land specified in the approved Layout Plan for amenities such as **Parks, Green/Open Spaces, Public Buildings like Schools, Hospital, Community Centre, etc. and Graveyard**. The Society has brazenly violated express Terms and Conditions which formed the mainstay of the Approved Layout Plan for the Scheme, illegally converted the land meant for Amenities into Residential and Commercial plots and has sold the same to prospective buyers while concealing the fact that the land in question was essentially to be used for purposes evident from the approved plan.

6. Active concealment of facts having knowledge and belief of facts committed by anyone for wrongful gain attracts criminal liability punishable under the law. In such situations, where the **land meant for amenities is sold out through concealment of facts, possession of such land can be retrieved by the CDA by all means and the loss and damage of any nature occurred to the wrongful purchasers shall be the sole responsibility of the Society to compensate**. This is a matter of great public importance being an encroachment on the rights of the bonafide residents of the scheme within the territorial jurisdiction of CDA, particularly so wherein the Society has refused to rectify the irregularities and mend its ways.

7. It was conveyed that the Honorable Islamabad High Court, Islamabad, in **WPs. No. 2929, 2930, 2931, 2932, 2933, 2934 of 2013 & 4303 of 2013**, 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.

8. Islamabad High Court, Islamabad, in **WP 1189/2016**, titled **Mustaneer ul Hasan vs CDA**, ordered on **31-12-2018** as under:

25. .... "Layout Plan" means a detailed Land Use Plan, once it has been given approval after due deliberations and considering the planning parameters of the Town Planning, No Revision is permissible under the law and if CDA allows any such permission, the same amounts to negate the original concept, **which was used by the sponsors to attract different individuals for their investment in the scheme.**

Respondents No. 2 & 3 argued their case on the strength of their proposed **Rectified Layout Plan** submitted before this Court, in which they have **created extra plots of residential and commercial nature and converted the amenity plots at their own end and surprisingly MVHS has created third party interest on ground without any approval of the CDA, which is serious violation and such illegality cannot be allowed to perpetuate, failing which the entire scheme and rights of citizens, who are living in Sector D-17, shall be infringed**, therefore, the instant writ petition is **ALLOWED** in the following terms:

- i. **All the changes, which were made by respondents No. 2 & 3 in the Original Layout Plan are illegal and in violation of ICT (Zoning) Regulations, 1992, therefore, if any right has been created in favor of ordered party upon the amenity plot is also illegal.**
- ii. **CDA/respondent No.1 shall ensure the restoration of amenity plots as per approved layout plan.**
- iii. **CDA is directed to implement the Chapter-IV Penalties for Violations with reference to Section-5 of the Regulations and shall take all other appropriate actions** against department/officials (the then Deputy D.G Planning, Director Housing Societies, Director Enforcement, Director Building Control) who were not aware of the basic law.

9. 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.

10. 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."**

**11.** The Honorable Islamabad High Court, Islamabad, in the **WPs 2765/2029, 2766/2019, 3108/2029 & 3111/2019**, 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.

**12.** The Honorable Islamabad High Court, Islamabad, in the **WP 4018/2021**, dated **14-6-2022**, Ordered on **14-6-2022** as under:

5. .... **Nonetheless, the 43 buildings, each consisting of seven stories, have been constructed illegally and in violation of the enforced and governing laws i.e. the Ordinance of 1960 and the regulations made thereunder.**
8. .... **They are definitely not entitled to any equitable relief because, admittedly, they chose to construct 43 buildings, each consisting of seven stories, in violation of the enforced laws and regulations made thereunder. They cannot claim that a right has accrued in their favor on the basis of violation of the enforced laws.**  
**In the case in hand, no right has accrued in favor of the petitioners on the basis of illegal construction of 43 buildings, each consisting of seven stories. The petitioners can definitely not take the stance that ignorance of law may be treated as an excuse. The petitioners cannot be allowed to take benefit on the basis of abuse of the enforced laws.**
9. For the above reasons, no case is made out for issuance of a writ under Article 199 of the Constitution and, therefore, the petition is accordingly **Dismissed**.

**13.** 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.



14. 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".

15. The following **Judgements/Directions** of the Honourable **Supreme Court of Pakistan** and **Islamabad High Court, Islamabad**, have also been relied upon, for issuance of this Show Cause Notice:

- a. **CP 863/2013**, ICA 301-W/2012, WP 1777/2011
- b. **Cr. Petition 923/2015**, ICA 488/2015, CrI. Org. 397-W/2013
- c. **CP 3221 to 3227/ 2016**, ICA-263-269/ 2016, WP-2929/ 2013
- d. **CP 3424 to 3467/ 2018**, WP 676/2017
- e. **ICA 498/2015**, WP 4400/2013
- f. **WP 1189/2016**
- g. **Civil Suit 10/2016**
- h. **ICA 83&84/2017**, ICA 20&21/2018, WP 2646/2014, WP 2884/2014
- i. **ICA 289/2018**, WP-1141/2011
- j. **WP 1662/2018**
- k. **WPs 2765, 2766, 3108 & 3111/2019**
- l. **WP 4018/2021**
- m. **Cr. Org. 73/2023**
- n. **WP No. 4043/2024**

16. M/s J&KCHS availed **Multiple Rounds of Litigation**, in Honourable **Islamabad High Court, Islamabad** and **Supreme Court of Pakistan**, but **never succeeded to obtain any Final Relief in the subject Issues**. Detail of such cases is attached.

17. M/s J&KCHS was directed, vide this Office MoM dated **05-6-2025** & Show Cause Notice dated **27-8-2025**, were directed 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**. It was informed that In case of Failure to do so, CDA will Retrieve/Take Over the Land/Plots Transferred in the name of CDA, along with Buildings/Superstructures, Illegally Allotted & Built. But You had done nothing to remove the Irregularities.

18. 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 relevant Clauses 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 J&KCHS are directed to:

- a. 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.

- b. CDA shall assume the Possession of Land/Plots Transferred to it and lying Vacant at site

[Except the buildings against which the Honorable Islamabad High Court Islamabad has granted Stay Orders]

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

- a. The Case may be referred to the Investigating Agencies like **NAB, FIA**.
- b. The Access to the Scheme may be **blocked**.
- c. **Suspension** of Approval of Building Plans of your Scheme by CDA.
- d. **Sale of Mortgaged Plots** with CDA (even along with superstructures, if illegally allotted & built), for Development of your Defaulting Scheme
- e. **Sealing** of your Society Offices & Site Offices

20. It is made clear that, if this **Show Cause Notice** is not complied within **7 days**, the Illegal Work/Structures will be Removed, Demolished and Use of Land will be stopped by using Force (including Police Force), by CDA. The cost will be recovered by CDA, from the person responsible for the construction of work/ structures and use of land in contravention of the provisions, as aforesaid. **CDA will Retrieve/Take Over the Land/Plots Transferred in the name of CDA, along with Buildings/Superstructures, Illegally Allotted & Built.** It is informed that in the event of Non-compliance of this Show Cause Notice, ex-parte proceeding will be initiated and no excuse whatsoever in this regard will be entertained.

21. 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**.

22. This is issued without prejudice.

(IJAZ AHMAD SHEIKH)  
Director Housing Societies

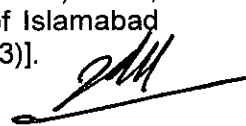
**Distribution:-**

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, 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 (North), 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 transferred in the name of CDA, 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. The Director General  
Awareness & Prevention Divisions  
Headquarters, National Accountability Bureau (NAB),  
Shahra-e-Jamhoriyat, Sector G-5/1, Islamabad
3. Deputy Commissioner, ICT/Registrar Co-operative Societies, Islamabad
4. DG (Law), CDA
5. DG (Urban Planning), CDA
6. DG (Building & Housing Control), CDA
7. Director Co-ordination, CDA
- ✓ 8. **Director (I.T), CDA**  
[It is requested to Upload this Show Cause Notice on CDA Website for Awareness of the General Public & All Stakeholders]
9. Director Staff to the Chairman, CDA
10. DC, CDA/Sr. Special Magistrate, CDA
11. PS to Member (Estate), CDA
12. Master File

(MUHAMMAD MANSHA)  
Dy. Director (HS)

Web