



CAPITAL DEVELOPMENT AUTHORITY
PLANNING WING
Directorate of Housing Societies



No. CDA/PLW/HS(862)/2020/397

Islamabad, 10th September, 2025

- ✓ 1. Secretary, M/s FECHS,
Main Commercial, Street No. 09, Society Plaza,
Near Post Office, Korang Town, Islamabad.
2. Secretary, M/s NAECHS,
64-E Masco Plaza, Jinnah Avenue,
Blue Area, Islamabad.

Subject: 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 WITHOUT OBTAINING NOC FROM THE AUTHORITY AND STOPPAGE OF USE OF LAND, IN JINNAH GARDEN (PHASE-I EXTENSION), ZONE-5, ISLAMABAD.]

Ref:- Please refer to this office Letters/Notices, dated 21-10-2024, 03-3-2023, 20-4-2023, 12-11-2024, 23-01-2025 & 18-6-2025, regarding the subject matter.

It is informed that the Layout Plan of Jinnah Garden (Phase-I Extension), sponsored Jointly by M/s FECHS & M/s NAECHS, in Zone-5, Islamabad, over an area measuring **1,826.50 Kanals**, was approved on **10-9-2021**. The sponsors have not fulfilled the terms & conditions of Layout Plan approval letter dated 10-9-2021, for obtaining NOC for Development of the Scheme.

2. During the site visit, it had been noticed with serious concerns that without obtaining No Objection Certificate (NOC), the Developments Works are being carried out in the Scheme.

3. It was also observed that the Site of Jamia Masjid at Alamdar Road, in Jinnah Garden (Phase-I Extension) has also been Converted into Residential Plots. It was further observed that "Bahria University of Health Sciences", has been developed/constructed by M/s Naval Anchorage, Islamabad, on land Earmarked for School, College Hospital and Multi-Purpose Play Ground, in the approved Layout Plan of Jinnah Garden (Phase-I Extension).

4. Furthermore, during the site visit it was also observed that a Notice was installed at various location from NAB Rawalpindi/ Islamabad, regarding the Property of Bankers City Case under reference No. 47/2007.

5. Thus, the development of the Scheme at site, without NOC from CDA, is clear violation of CDA Ordinance – 1960, ICT (Zoning) Regulations – 1992, ICT Building Control Regulations – 2020 (as amended 2023, and 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".

6. The Honorable Islamabad High Court, Islamabad, at Para-8 of the Judgment 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 and 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.

7. 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."

8. 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".

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 (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.

11. Forgoing in view, M/s FECHS & M/s NAECHS, are directed to **IMMEDIATELY** stop all kind of developments in violation of approved Layout Plan and without issuance of NOC from CDA. In case of failure to comply with this Notice, punitive legal action will be taken for Sheer Violations of provisions of the Regulations, under the provisions of **Section 49-C, 46 and 46-B** of the CDA Ordinance 1960, read with, **Clause-5**, Chapter-IV, of the ICT (Zoning) Regulation, 1992 and **Clause-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 Regulation, 1992".

12. It is made clear that, if this **Notice** is not complied within **10 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. 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.


(IJAZ AHMAD SHEIKH)
Director Housing Societies

Copy to:-

1. Member (P&D), CDA
2. Deputy Commissioner, ICT/Registrar Co-operative Societies, Islamabad.
3. DG (Urban Planning), CDA
4. Dy. DG (Enforcement), CDA
5. Director Building Control (South), CDA
6. Director Housing (Monitoring & Evaluation), CDA
7. Director (EM-III), CDA
8. Director Staff to the Chairman, CDA
9. DC, CDA/Sr. Special Magistrate, CDA
10. Director Anchorages (North),
Naval Anchorage, PNWA Plaza, Block – C (Ext.),
Naval Anchorage, Housing Scheme, Off. Islamabad Expressway,
Islamabad
[w.r.t Para-3 of the Notice, as above]
11. PS to Member (Estate), CDA
12. Master File

(MUHAMMAD MANSHA)
Dy. Director (HS)