



No.CDA/PLW/RP/ZONE-4(13)2018/103

Islamabad, May, 21, 2026

Engr. Muhammad Saleem
Deputy Chief, Executive,
M/s Bahria Town (Pvt.) Ltd.
Plot # 65, M-R Road, M-Commercial
Bahria Town Phase-8, Rawalpindi.

Subject: - TRANSFER OF LAND FALLING UNDER GRAVEYARD, IN THE NAME OF CDA IN "BAHRIA ENCLAVE-I" HOUSING SCHEME, ZONE-4 (C), ISLAMABAD, SPONSORED BY M/S BTPL.

Ref:- Please refer to this Office Notices, dated **26-3-2025, 23-04-2025**, regarding the subject matter.

It is informed that, as per **Clause-2(xxxvii)** 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", Gazette Notified vide No. S.R.O 886(I)/2023, dated 07-7-2023, **Public Building** means a building designed for public use such as hospital/dispensary, post office, police station, town hall, library, recreational buildings and club; etc.

2. The Revised Layout Plan of Bahria Enclave, Mouza Malote, Zone-IV (c), over an area measuring **12543.11 Kanals** was approved by the Authority on **29-12-2000**, subject to usual Terms & Conditions. The No Objection Certificate (NOC) was issued on **08-04-2022** on certain terms & conditions.

3. As per Chapter-III, "Development Control of Zones", Clause-4 "Development Strategies of Zones", Sub Clause-2(b)(vi), of the ICT Zoning Regulations, 1992, "All land reservations made for roads and other services in such schemes shall belong to the Authority".

4. Clause-7(ii)(d) of the "Modalities & Procedures framed under I.C.T (Zoning) Regulation, 1992", states that:

"also transfer to the Authority in the form annexed as Annexure "C" and free of charge, the land reserved for open spaces/parks, graveyard, and land under right-of-way of roads, etc. in the scheme, within 45 days of the clearance of the detailed layout plan of the scheme".

5. As per the above-mentioned regulations, the Layout Plan of Housing Schemes are processed in the Authority, subject to Transfer to Public Buildings, in the name of CDA, as per the prevailing Regulations of the Authority. **Para-2 of the Specimen Transfer Deed**, reads a sunder:

That in consideration of Public Welfare, the transferor hereby transfers to the Transferee, free of charge, all its rights, interest, easements, pertinent to the Property and to hold the same by the transferee as an absolute and lawful owner.

6. CDA Board, in its meeting held on **14-10-2014**, approved the proposal regarding transfer of Public Building sites in Private Housing Schemes to CDA. **Cases where NOCs already issued without transfer of public sites, sponsors be directed to get the Public Building Sites transferred in favor of CDA, in case of failure to do the needful, NOCs previously issued be withdrawn after issuance of proper notice.** However, withdrawal decision be taken at least at Member Planning level.

7. All the Sponsors of Private Housing Schemes/Projects were therefore directed, vide letters referred above to submit the following Documents/Plans, both in **Soft & Hard Formats**, regarding their respective Schemes/ Projects, duly Signed & Stamp through Covering Letters, within 10 Days:

- a. Compliance Report for Proper Earmarking/Fencing of All Public Building Areas, and other Plots, Areas already Transferred to CDA, as per Approved Layout Plan of Respective Schemes/Projects
- b. Installation of Display Boards of All Public Building Areas, and other Plots, Areas already Transferred to CDA, as per Approved Layout Plan of Respective Schemes/Projects
- c. Latest Satellite Image @ Scale of 1:2000, showing the Public Building Areas and other Plots, Areas, Lands (with present use), Transferred to CDA, supported with latest Drone Video of the Approved Scheme
- d. Draft Transfer Deeds, as per respective Regulations as aforementioned, where Public Building Areas are Not Transferred to CDA. In case of Failure, Cases for Issuance of NOC shall Not be processed further and Cases for Cancellation/ Withdrawal of NOC, shall be initiated, where NOCs have already been issued. In addition, the cases of Vetting of Allotment/Transfer Letters shall also Not be processed.

8. However, it has been observed with serious concerns that M/s Bahria Enclave, Mouza Malote, Zone-IV, Islamabad, has not complied the directions of CDA, and has NOT Transferred the **land for Graveyard**, in the name of CDA, which is Mandatory Regulatory Obligation, as aforementioned.

10. M/s Bahria Enclave, Mouza Malote, Zone-IV, is, therefore, directed to Show Cause for Not Transferring to the Authority in the form annexed as Annexure "C" and free of charge, the land reserved for **Graveyard**, in the Scheme, **measuring 220 Kanals**, within **10 days**.

11. **The Honorable Islamabad High Court, Islamabad, in its Judgement in ICAs 83/2017, 84/2017, 20/2018 & 21/2018, dated 12-7-2018, passed following Orders:**

20. In view of above background and latest position of law in general, we are of the view that judgment passed by the learned Single Judge in Chambers is within four corners of law and no illegality has been observed, therefore, the same is upheld. **However, it is made clear that CDA authorities shall:**

- i) Take action under the law against the delinquents (individuals) as well as M/s Bahria Enclave Bahria Town and its Officers/Officials/Directors, for Non-compliance of above referred SOPs/Guidelines, Rules, or Regulations, therefore, the CDA Authorities shall issue a publication in two daily newspapers, English and Urdu, with the direction to the **Housing Societies/Individuals to get the Approval of their Construction from CDA Authorities** as referred above, whereupon NOC shall be issued to all those individuals after fulfilling codal formalities subject to Rules and Regulations;
- v) **Start Taking Actions against Societies who have Violated the Approved Layout Plan or Changed the Public Utility Areas such as Mosque, Playgrounds, Post Office, School, Parks, Parking, etc.**
- vii) CDA authorities shall maintain overall supervisory control upon all Societies in every manner and being Regulator and act in accordance with CDA Bye-laws.

21. Besides the above referred directions, it is further made clear that:

- i) All Societies including Bahria Town, MPCHS or any other Society shall pay all charges, amounts, fee received against approval of construction plan from their allottees to CDA within three (03) months and shall submit each case before CDA for their approval.
- ii) Any Society, who is not Complying the CDA By-laws, Directions issued from time to time or their NOC, the Layout Plan shall be Cancelled after giving due Warning in accordance with Law, where after CDA shall take over the such Society including their Assets and Bank Accounts Managements with the help of ICT Administration, Federal Government, Ministry of Interior, Chairman CDA, Mayor Metropolitan Corporation Islamabad, all CDA Officials.
- iii) Chief Commissioner, Deputy Commissioner, Inspector General of Police, SSP Islamabad, concerned SHO, and Magistrates are Directly Responsible for Compliance of CDA By-laws as well as Directions referred in this Judgment.

21-A. In view of above, it is held that every member of Housing Society or the Society itself shall get Approval of Construction from the CDA in accordance with Law, after fulfilling all the Codal Formalities, where after CDA shall issue NOC accordingly.

12. The 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 3rd 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 3rd 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.**

13. The Honorable Islamabad High Court Islamabad, in its Judgment in WP 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 3rd 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.**"

14. Islamabad High Court, Islamabad, in its orders dated 04-8-2025, passed in WP 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. 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 Bahria Enclave is directed to:

- a. **Transfer to the Authority** in the form annexed as **Annexure "C"** and free of charge, the land reserved for **Graveyard**, in the Scheme, measuring **216.66** within **10 days**.
- b. Compliance Report for **Proper Earmarking/Fencing** of All Public Building Areas, and other Plots, Areas already Transferred to CDA, as per Approved Layout Plan of Respective Schemes/Projects
- c. **Installation of Display Boards** of All Public Building Areas, and other Plots, Areas already Transferred to CDA, as per Approved Layout Plan of Respective Schemes/Projects
- d. Latest Satellite Image @ Scale of 1:2000, showing the Public Building Areas and other Plots, Areas, Lands (with present use), Transferred to CDA, supported with latest Drone Video of the Approved Scheme

16. ~~In case of Non-Compliance of directions at Para-17 above, 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

17. It is made clear that, if this **Show Cause 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.

18. You are also provided an Opportunity of **Personal Hearing**, in your Defense (if any), in the Office of the undersigned, during Working Hours, within **10 days**.

19. This is issued without prejudice.


(EJAZ UL HASSAN)
Director Regional Planning

Distribution:-

1. 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]

2. 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. DG (Law), CDA
5. Director Awareness & Prevention Division.
National Accountability Bureau (NAB), Islamabad/Rawalpindi Region,
Opposite NESPAK Building, Sector G-5/1, Islamabad
6. Director Co-ordination, CDA
7. Director Building Control (South), CDA
8. Director (I.T), CDA
[It is requested to Upload this Show Cause Notice & Public Notice regarding Transferrable land to CDA. attached herewith, on CDA Website for Awareness of the General Public & All Stakeholders]
9. DC, CDA/Sr. Special Magistrate, CDA
10. Director Staff to the Chairman, CDA
11. PS to Member (Estate), CDA
12. Master File


Director Regional Planning

COMPUTER P&D, CDA
By: 9.75
Date: 24-06-26



MEJ