

No. CDA/PLW/HS(700)/2023/ 76

Islamabad, 3rd February, 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: OBSERVATIONS REGARDING THE REQUEST FOR APPROVAL OF LAYOUT PLAN (LOP) OF "SAFARI VILLAS - 'W'", HOUSING SCHEME, ZONE-5, ISLAMABAD

Ref: i. Your office letter No. BPTL-P&D/CDA-Z-V/IV-III/2025/20 & 29, dated 04-3-2025 & 16-4-2025
ii. This office letter No. CDA/PLW/HS(700)/2023/130, dated 10-4-2025, regarding the subject matter.

It is informed that this office has received the request for Approval of Layout Plan (LOP) of "Safari Villas - 'W'", Housing Scheme, Zone-5, Islamabad, over an area measuring more than 200 Kanals, sponsored by M/s BPTL, vide above referred letters.

2. As per the Clause 8-3 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 on 07-7-2023, **Requisite Land Documents, and Submission Status** is as under:

LAND DOCUMENTS (In Original)

| Sl. No. | Documents | Submission Status | Remarks |
|---------|--|---------------------|---|
| i. | Fresh copies of Register Haqdarane-Zameen (Fazil) <u>attested by Tehsildar ICT</u> | Partially Submitted | <ul style="list-style-type: none"> Fard is attested by Naib-Tehsildar, however, the attestation of Tehsildar is required. Fard Haqooq Shuaat for land measuring 210 Kanals, is not Submitted. |
| ii. | Actual Khasra Plan, showing clear boundaries of the scheme/project, certified by Tehsildar, certifying the true possession of land owned by the sponsors that, "the land measuring in Mouza-----, District Islamabad, shown in ----, col. boundary is owned and possessed by the ---- and is one contiguous piece" | Partially Submitted | Certified by Naib-Tehsildar, however, Certification Tehsildar is required. |
| iii. | Non-Encumbrance Certificate (NEC) from Tehsildar/Registrar/Sub-registrar/Naib Tehsildar | Not Submitted | NEC is issued by Sub-Registrar Islamabad, while the above documents are issued by Revenue Department, Rawalpindi. |
| iv. | Khwan Gardawary for Shamliati Land attested by Baridwar/ Qanqongo/ Naib-Tehsildar | Submitted | |

3. As per Clause 8-c of the Regulations, ibid, the Requisite Planning Documents, and Submission Status, is as under.

PLANNING DOCUMENTS

[Duly Signed & Stamped by the Town Planner, duly Registered with PCATP Enlisted in CDA and the Sponsors/ Owners]

| Sr. No. | Documents | Submission Status | Remarks |
|---------|--|--------------------------------------|--|
| i. | Three copies of the site plan showing location of the scheme at a scale of 1:10,000 with reference to its surrounding areas (within a radius of ½ Km all around), and the land use plan of the zone in which it falls. | Submitted | |
| ii. | Three copies of survey plan of the site drawn to a scale of not more than 1:1200 showing Khazra numbers, the spot level and physical features such as high-tension lines, water channels, etc. Contours with 0.5 meters or 2 feet interval shall be indicated on the plan. | Submitted | |
| iii. | Three copies of Layout Plan drawn to a Scale of not more than 1:1,200 showing the Sub-division of land into Plots, and allocation of land for various uses in accordance with the Planning Standards laid down by CDA in these Regulations or any other law for the time being enforced. | Incomplete Submission | The LOP does not meet the Planning Standards provided in Clause 9(A) of the Regulations, ibid. |
| iv. | Layout Plan should be prepared and signed by a PCATP Registered Town Planner or Town Planner of a Consulting Firm Registered with PCATP in Town Planning Category enlisted with CDA | Mr. Qasim Irfan, (PCATP No. P-01369) | |
| v. | Aks Shajra of the Scheme Superimposed on Contour Plan. | Submitted | |
| vi. | KMZ File showing Co-ordinates and Location of the Scheme/Project on the ICT Zoning Plan, highlighting the Zone/Sub-Zone | Submitted | |
| vii. | Layout Plan Concept Report (Total Area of the Scheme, Location, existing topographic features, source of water, Planning Standards, proposed schedule of plots, proposed population, Rainwater harvesting plan for scheme, Traffic Impact Assessment, Emergency & Disaster Management & Solid Waste Management Plan, Sewage Disposal Plan, etc. Without these documents no scheme shall be proceeded for its approval. | Submitted | |
| viii. | Water Resistivity Survey Report duly prepared by Geological Expert/Firm showing availability of Underground Water sufficient to cater for future needs of the scheme. | Submitted | Copy of ERS Report of March 2017 is submitted |
| ix. | Flood Study Report, if the proposed scheme falls within 500 Meters of Main Water Stream, The Report must be duly prepared by Hydrological Expert/Firm and 3rd Party Vetted by Hydrological Expert Registered with PEC and Enlisted in CDA | Not Submitted | |
| x. | The Town Planner of the Scheme/ Project shall provide a Certificate, on Stamp Paper of Rs.100/-, that Layout Plan has been prepared strictly in accordance with the provisions of this Regulation and all the calculations of this LOP are correct. The specimen of Certificate is given at Annex-M. | Submitted | |

4. It has been observed with great concern and viewed seriously that M/s BTPL has planned & developed subject Scheme, falling within the jurisdiction of Islamabad Capital Territory, without the approval of Authority. Moreover, all the buildings in the said scheme, have also been constructed on site without prior approval of the Layout Plan of Scheme and Building Plans, from the Authority.

5. The Clause-49(C)(1) of CDA Ordinance – 1960, titled as "Removal of building, etc., erected or used in contravention of this Ordinance", states that "If any building, structure, work or land is erected, constructed or used in contravention of the provisions of this Ordinance or of any rule, regulation or order made thereunder, the Deputy Commissioner, or any person empowered in this behalf by the Authority, may, by order in writing, require the owner, occupier, user or person in control of such building, structure, work or land to remove, demolish or so alter the building, structure or work, or to desist from using or to so use the land, as to be in accordance with the said provisions".

6. 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.

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."

7. The Islamabad High Court, Islamabad, in its Judgement in ICA 289/2018 [in WP 1141/2011] titled "Muhammad Akbar Abbasi vs CDA", ordered on 03-6-2024, as under:

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 17-5-2018 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.

8. The Islamabad High Court, Islamabad, in its Judgement in ICAs 83/2017, 34/2017, 20/2018 & 21/2018, dated 12-7-2018, Paras-20& 21 of which is re-produced as under:

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 societies (including Bahria Town and MPCHS) 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 Bye-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 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 Bye-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 NCC accordingly.

9. The Honorable Islamabad High Court, Islamabad, in the WPs 2765/2019, 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.

10. The Honorable Islamabad High Court, Islamabad, in its **Judgement** in WP 4018/2021, titled "Fawad Zafar Cheema vs FoP" 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 192 of the Constitution and, therefore, the petition is accordingly **Dismissed**.

11. The Honorable Islamabad High Court (IHC), Islamabad, in Cr. Org. 73/2023, titled "Muhammad Yameen vs Kamran Cheema" 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.

12. In the light of the position explained above, this Office is **unable to proceed further** for Scrutiny of the Proposed Amended/Revised Layout Plan, as aforementioned. You are, therefore advised, in your own interest, to submit the above-mentioned requisite Documents/Plans/Fee, **within 7 days** of the issuance of this letter. In case of Failure to do so, the Subject Request shall not be processed further and will be taken as **Disposed Off, Un-approved**.

(JAZ AHMAD SHEIKH)
Director Housing Societies

Copy to:-

1. Member (P&D), CDA
2. Deputy Commissioner, ICT/Registrar Co-operatives, Islamabad.
3. DG (Urban Planning), CDA
4. DG (Building & Housing Control), CDA
5. Dy. DG (Enforcement), CDA
6. Director (I.T), CDA

→ [It is requested to Up-load this Notice on CDA Website, for Awareness of the General Public & All Stakeholders]

7. Director Building Control (South), CDA

8. Director Staff to Chairman, CDA

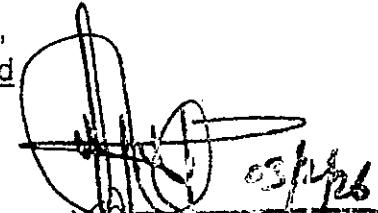
9. Joint Registrar of Companies

Securities & Exchange Commission of Pakistan, (Companies Registration Office), State life Building, 1st Floor Blue Area, Islamabad [w.r.t. Section-456 of SECP Act, 2017]

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

11. Mr. Bilal Naseer Advocate, CDA Counsel, CDA Facilitation Center, G-7/2, Islamabad

12. Master File


03/11/26
(MUHAMMAD MANSHA)
Deputy Director (IS)

Wd

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