ORDER SHEET

IN THE ISLAMABAD HIGH COURT, ISLAMABAD
JUDICIAL DEPARTMENT

ICA No.422 of 2025

Dr. Basit Farooqi
Versus
Federation of Pakistan and others

S. No. of order/ proceedings	Date of order/ Proceedings	Order with signature of Judge and that of parties or counsel where necessary.
	13.10.2025	Mian Muhammad Zafar Iqbal Advocate for the appellant.

Through this Intra Court Appeal, the appellant has impugned the order dated 05.09.2025, passed in W.P No. 3183/2025, which was disposed of by consent with the following observations, which are reproduced as under;-

> " With consent of the learned counsel for the parties, the instant writ petition is disposed of. Office is directed to send a copy of this petition to the competent authority i.e. Deputy Commissioner, who shall treat it as an appeal by the petitioners and shall decide all the legal as well as factual questions raised by the petitioners in accordance with the law, after providing fair opportunity of hearing. Any ground, in addition to those taken in this writ petition, shall also be considered, if raised by the petitioners. "

2. Learned counsel for the appellant submits that the impugned order is not based on legal ground and no question arises to send the petition to the D.C, CDA for direction of the same when decision was taken by the Government of Pakistan and CDA Authority; that the appellant and his family are resident of Sadpur Model Village, Saidpur Tehsil & District Islamabad since long, even most of the residents are residing over there prior to the extablishment of ICT'; that the respondent No.2 acquired the built up property of the resident at the time of acquisition and promised their forefathers of the residents that they will be allotted residential plots as well as compensation in shape of market value; that some days ago, the CDA authorities, especially respondent No.4 has demolished some houses without providing alternative

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shelter to the effectees withtou providing them alternate shelter which is fundamental right of every citizen of Pakistan.

3. Once, by consent of the parties, the petition has been disposed of and the parties have consciously chosen their forum for the redressal of their grievances, they cannot thereafter be permitted to file an appeal against the said order. The case squarely attracts the Doctrine of Election, which mandates that where a party has voluntarily opted for one remedy or forum, it is estopped from subsequently pursuing another inconsistent remedy in respect of the same cause of action. Having exercised their choice and acquiesced to the jurisdiction so invoked, the parties cannot now be allowed to file an appeal.

4. It is worth noting that in the present writ petition, the petitioner has assailed a mere verbal notice. The issuance, existence, and authenticity of such a verbal notice are questions of fact which cannot appropriately be adjudicated within the limited and discretionary jurisdiction of this Court under Article 199 of the Constitution. The petitioner, if so aggrieved, has an alternate efficacious remedy available under the law before the competent Civil Court, as well as before the relevant revenue hierarchy, where such factual controversies can be properly examined and determined.

5. In view of the above observations, this Intra Court Appeal is *dismissed in limine.*

(MUHAMMAD ASIF)
JUDGE

(KHADIM HUSSAIN SOOMRO)
JUDGE

S.Akhtar

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