Form No: HCJD/C-121
ORDER SHEET

IN THE ISLAMABAD HIGH COURT, ISLAMABAD
JUDICIAL DEPARTMENT

I.C.A No. 143 of 2018

Capital Development Authority.

Versus

Ghulam Mehboob Khokhar.

S. No. of order/ proceedings	Date of order/ proceedings	Order with signature of Judge and that of parties or counsel where necessary.
	22.04.2025.	Mr. Muhammad Nazir Jawad, Advocate for the appellant/CDA. Mr. Ghulam Mehboob Khokhar, Advocate for the respondent.

MUHAMMAD ASIF, J.- Through this order, we intend to dispose of the instant I.C.A arising out of Writ Petition No.1512/2013 dated 19.02.2018, whereby writ petition filed by the appellant was dismissed.

2. At the outset, the learned counsel for the appellant submitted that he would be satisfied if this Court disposes of the instant Intra Court Appeal by modifying the impugned judgment dated 19.02.2018, only to the extent of the fixation of ratio for the plots as per spirit of Section 5(v) of the Islamabad Land Disposal Regulations, 2005 **("Regulations, 2005")**. It is submitted that the authority to determine the rates and criteria for allotments should be vested in the CDA Board, in strict accordance with the provisions of the Regulations, 2005. In this regard, the learned counsel made reference

to Section 5, Clause (v) of the said Regulations, which is reproduced below:

> **"5. RESIDENTIAL PLOTS.-**
> *(1) All residential plots in development sectors shall be allotted through open auction. The residential plots in the other sectors shall be disposed of in the following manner:*
>
> *(v) CDA Employees – 5%*

It is submitted that such a course of action would not only uphold the regulatory framework but would also serve the ends of justice by ensuring a fair, transparent, and equitable allotment process, in the best interest of all stakeholders concerned.

3. On the other hand, the learned counsel for the respondent raised no objection upon disposal of the instant appeal in terms of Section 5, Clause (v) of the Regulations, 2005 and submitted that such allotment would be made in accordance with the regulatory framework and would facilitate the proper implementation of the provisions governing the allotment process. The learned counsel for the respondent emphasizes that this approach would ensure fairness and transparency, while safeguarding the interests of all parties involved, and no prejudice would be caused to

any stakeholder, and the principles of natural justice would be duly upheld.

4. In view of the submissions made by both parties and the record of the case, the instant appeal, along with the connected appeals, is disposed of in terms of Section 5, Clause (v) of the Regulations, 2005. Accordingly, the impugned judgment dated 19.02.2018 is modified only to the extent that the authority to determine the rates and criteria for the allotment of plots under the 5% quota reserved for CDA employees shall vest with the CDA Board. The Board shall finalize the rates and criteria for such allotments strictly in accordance with the provisions of the Regulations, 2005, ensuring transparency, fairness, and adherence to the regulatory framework.

5. The appeals are therefore ***disposed of*** in these terms.

(KHADIM HUSSAIN SOOMRO)
JUDGE

(MUHAMMAD ASIF)
JUDGE

Shakeel Afzal