ORDER SHEET
IN THE ISLAMABAD HIGH COURT, ISLAMABAD
JUDICIAL DEPARTMENT

W.P. NO: 76/2013

SHAHID SALIM BUTT VS FOP ETC

Serial No. of order of proceeding.	Date or order of proceedings	Order with signatures of judge, and that of parties or counsel, where necessary.
1	2	3

18.4.2014 Mr.G.M Chaudhary, Advocate for private respondent No.4,

C.M No.2163/2014

Applicant/respondent No.4 through main petition seeks direction for immediate removal of allegedly illegal constructions and encroachments from the street and plot No.436-A, Sector 1 / 10, Islamabad and also seeks direction to respondent No.2 for determination of responsibility upon concerned official /officer caused whose negligence illegal constructions/encroachments.

Learned counsel submits that writ-petitioner has assailed carving of plot on the green area/waste land, but on the contrary he himself has erected steel fencing grills and steel stairs on the property forming subject matter of the petition which falls between the plot No.436 owned by petitioner and plot No.436-A owned by respondent No.4.

It is next submitted that applicant as well as the general public are suffering irreparable loss due to illegal constructions which has resulted in loss of necessary amenities.

Heard & record perused.

Prayer of the main petition pertains to the act of respondent-authority CDA qua conversion of open space and in particular HOUSE No.436-A, street No.23 of 1/10-4, Islamabad whereas the relief sought through the instant application is for removal of illegal construction and encroachments which would amount to decide the main relief prior to decision of the petition.

The assertions made in the application are to be consider worthy in the backdrop of principle that who seeks equity must do the equity, and the petitioner will be given opportunity of contradicting this contention at the time of regular hearing.

The image at annexure ‘A’ relied upon by the applicant, has already been taken on record through C.M No.1965 of 2014.

In view of above, the element of irreparable loss does not seem to exist, therefore, the application is dismissed.

(CHIEF JUSTICE)

Saeed Akhtar
18.4.2014