

FACT ABOUT 8-H JOHAR TOWN PLOT OF 54 KANAL AT CANAL ROAD

Three pieces of land totaling 180-K was owned by one Muhammad Ali S/O Mehtab Ali at three different locations in Mouza Niaz Baig Lahore. Detail of all three locations are as under.

- 1) 33 Kanal at Canal Road.
- 2) 23 Kanal near proposed Civic Center.
- 3) 124 Kanal just 300 meters away from the piece land at Canal Road.

LDA acquired above land for proposed Johar Town Phase-II Scheme under Punjab land Acquisition (Housing) Act 1973.

After death of Muhammad Ali, said 180-K land was transferred/awarded to his legal heirs Hidayat Ali, Hakim Ali, Sarwar Ali (three sons) and Mst. Jahana Bibi, Mst. Wazir Baigum, Mst. Anayat Bibi and Mst. Hameeda Baigum (four daughters) on 18-Feb-1986.

All 07 owners gave Power of Attorney to Mir Shakil ur Rahman on 18-May-1986 regarding this land. This GPA was registered on 21-May-1986.

The seven owners of the land submitted an application to LDA through General Power of Attorney holder Mir Shakil ur Rahman on 04-06-1986 for permission of interim development on their land.

We have recently come to know that DG LDA had sent a summary to C.M Punjab on 03-07-1986 mentioning that at this stage permission for interim development will not be possible as their 180-K land has already been acquired by LDA in June-1981 and now they can be given 30% of their land as per exemption policy of LDA for pieces of land acquired by them.

In Summary they proposed to allot a compact plot of 54 Kanal (30% of 180 Kanal). In summary it was also proposed that two proposed streets will also form part of bigger plot. 7 owners or their GPA holder Mir Shakil ur Rahman never requested for inclusion of two streets in the land being exempted to them or for compact plot of 54 kanal. This summary was never shared with him. This summary came to light recently when this matter was taken up by NAB.

DG LDA had also mentioned in the Summary that applicant met him and desired that he may be exempted 30% of his land at canal bank because his land holding is situated at an equally good location near the proposed commercial center. However, Mir Shakil ur Rahman don't remember any such exchange with DG LDA. LDA had to do what was allowed in the policies.

However, no favor was given to seven owners or MSR through this summary. They were entitled for 30% land as per exemption policy which comes to 54 Kanal. Their 33 Kanal land already existed on Canal road. 124 Kanal land was located about 300 meters away from Kanal land and near the proposed civic center. Exemption policy says 'every effort will be made to allocate plot or plots to the exemptee on or around the piece of land he owned prior to the acquisition his land. Also the compact plot saved heavy amount of development expense of LDA which they charged at the rate of Rs. 50,000 per kanal, however, they never done any development on that piece of land. So the above summary was in fact served the interest of LDA and not the allottee. It may also be noted that out of 54 plots of one kanal only 9 plots wer facing canal road and remaining plots were behind these nine plots.

LDA replied application of 7 owners of land M/S Hidayat Ali and others through GPA Mir Shakil ur Rahman through letter dated 22-07-1986 that your request for interim development cannot be acceded as LDA has already completed the acquisition process in relation to your land holdings and chairman LDA has however approved 54 plots measuring one kanal each in a compact block out of which 9 plots facing canal and the remaining in the rear streets will be exempted against the 30% entitlement i.e. 54 kanal 5 marlas and 90 sq.ft. However, after adding the area under two streets which would ultimately form part of bigger plot the total area being exempted will be about 59 kanals.

Seven owners and their GPA Mir Shakil ur Rahman has no option but to accept the decision of LDA. What is done was by LDA itself and later own Mir Shakil ur Rahman made payment of every challan or demand of LDA.

Now NAB is raising points that one owner can only be allotted 15 plots of one kanal at one place and for more land plots should be of small size. In fact there were 7 owners from whom Mir Shakil ur Rahman had obtained GPA and the land was exempted to the 7 owners. The Exemption policy itself says 'every owner' will be entitled for exemption of 30% land and every owner has right to have 15 plots of one kanal at one place and if needed small plots were to be given. Since they were seven owners they had the right to have 15x7 plots of one kanal at one place but

due to capping of 30% they were given a compact block 54 plots by LDA as their own decision, nothing to do with Mir Shakil ur Rahman or misuse of authority by any person. However, it may be kept in mind that small size plots are always expensive than the bigger size plots.

By giving a compact plot of 54 kanals LDA saved huge amount on construction of roads and on services.

Through a Baynaama on 29-09-1986 the land was transferred to Mrs. Shahina Shakil and her four children.

MSR wrote a letter to LDA on dated 22-11-1987 and complained that LDA still not provided basic facilities such as Sewerage, Water Supply and Sui Gas in the said area although he had paid full payment against development charges. Also requested that deadline of construction of the house has been fixed for Sep-1988, and until & unless the basic facilities are provided, it shall not be possible to complete construction before Sep-1988.

On 28-12-1987, LDA issued letter for balance payments including 4.617 Kanal excess land payment @ Rs 60,000/- Per Kanal. In 1986, reserve price of excess land was Rs.60,000/- per Kanal by LDA.

In this letter LDA provided breakup of all payments and prices as per followings.

- 1) Development charges @ Rs.50,000 per Kanal.
- 2) 5 % surcharge for corner plots. Rs. 18,086/- total amount.
- 3) Price of excess 4.62-K land @ Rs.60,000/- per Kanal.
- 4) Compensation amount against 126 Kanal @ Rs.2066/- per Kanal.
- 5) Sui Gas charges Rs.173,880/-

Above all amounts were already paid and payments against excess land also paid on 28-12-1987.

From 1987 to 1991, LDA remained silent. On 29-10-1992, Director Land Development wrote a letter and said that you connived with lower staff and got the price of excess land included in the demand notice without prior approval of competent authority and low price charged from market rate and also wrote that price was not properly assessed as the market price and claimed followings.

- 1) The price of excess land recoverable from you was Rs. 6,679,705/-

- 2) You paid reserve price Rs.278,930/- (this was wrong statement as paid against excess land was Rs.278,345/-).
- 3) In view of above you are required to deposit Rs.6,400,776/- with the LDA.

Same day on 29-10-1992 another letter No. 464 was issued by Director Land LDA to pay Rs. 6,956,514/- as surcharge due to incomplete construction till date.

On dated 05-12-1992 Advocate M. Asad Ullah Siddique sent reply against above two letter No. 463 & No. 464 and informed that family is out of country so **“it is therefore requested that a time of one month may be allowed to him to make a proper and detailed reply to your notices”**

On 02-01-1993 Mrs. Shahina Shakil sent replies of both letters saying that we have taken legal advice and as per your demand notice dated 28-12-1987 we have paid reserve price against excess land. Also denied connivance with lower staff and wrote that his allegation is absolutely false, frivolous, and malafide and we reserve our legal rights in this matter. Also asked to withdraw their notices under reply failing which we will further proceed in this matter to initiate legal proceedings.

After our above letters no reply or any challan form was received from LDA.

On 13-01-1998 LDA issued Completion Certificate which showed that construction was completed on 22-04-1989.

This plot transferred to MSR on dated 02-12-1998 through LDA letter No 24884.

On dated 02-02-2010, Deputy District Officer issued a letter to DDE, LDA and confirmed verification of ownership and allotment and verification report from patwari.

LDA wrote letter to Deputy Director Sales & Allotment for evaluation of market value of excess area of 3 marla (which emerged in measurement of the plot) through price committee. LDA-UD wing wrote letter to Sub-Registrar for execution of transfer deed on 29-08-2016.

On 02-09-2016, evaluator Arch-e-Deen provided valuation of excess land @ Rs.800,000/- per Marla.

A meeting of assessment committee arranged for finalization of price of excess land of 3 marla. Committee finalized and decided the price of excess land Rs 12 Lac per Marla.

After decision of assessment committee Director of Revenue issued Chalan of 3 Marla excess land @Rs. 12 Lac per Marla for Total Rs.36 Lacs amount and Sui gas charges Rs.786,267/- on dated 03-09-2016.

On 09-09-2016 MSR paid both amounts Rs. 36 Lacs against excess 03 Marla and Rs. 786,267/- against Sui gas charges.

Finally transfer deed executed on 13-10-2016 in favour of Mir Shakil ur Rahman.