

JUDICIAL EMPLOYEES COOPERATIVE **HOUSING SOCIETY (REGD) LTD.**

BACK GROUND.

In the year 1970-80 economic plight of the Judicial Officers was not satisfactory. The starting Salary of a Judicial Officer (PCS Judicial) was Rs.450/- P.M. In this meager pay it was a wishful thinking to have one's own house anywhere in Punjab not to speak of at Lahore. In 1979, Mr. Ijaz Nisar (Later on Chief Justice Lahore High Court, & Judge Supreme Court) was posted as District & Sessions Judge Lahore. He was very considerate and wanted that Judicial Officer must own his own house so that his family does not suffer due to the frequent transfers from one place to other. I being posted as Civil Judge Lahore experienced the same difficulty. Keeping in view this, he asked me to approach Lahore Improvement Trust (Later on Lahore Development Authority) for allocation of a number of plots for the Judicial Officers, particularly posted at Lahore. In compliance of the same I contacted the Lahore Improvement Trust authorities who stated that it was not possible for them to allocate plots for the Judicial Officers. According to them when any new Housing Scheme was initiated everybody would apply on the terms and conditions laid therein. In the alternate one has to purchase the plot from the market at the prevalent rate. This was not possible for the majority of Judicial Officers to purchase the plot at the market rate due to their limited sources. In

view of the same I suggested to the Learned District & Sessions Judge to establish a Cooperative Housing Society in the better interest of the Judicial Officers. He agreed and directed me to take necessary steps and to prepare the working paper. In this connection a meeting of the Judicial Officer posted at Lahore (at that time) was convened. The meeting was attended by Mr. Zaman Khan, Addl. Session Judge, Mr. Naseem Sikander, AD & SJ (Later on Judge of Lahore High Court) Mr. Moazam Hayat Addl. Session Judge, Mr. Rustam Ali Malik Civil Judge (Later on Judge of Lahore High Court) Mr. Ijaz Mahmood Chaudhry Civil Judge, Mr. Fayyaz Hameed, Senior Civil Judge, Mr. Gulzar Butt, Civil Judge, Mr. Mumtaz Hussain Malik, Civil Judge and others. It was resolved that a Cooperative Housing Society be framed and support of the Executive be also sought. Mr. Basit Sohail, General Assistant to Deputy Commissioner Lahore was nominated on behalf of the Executive. Ch. Muhammad Hussain Assistant Commissioner (Sadar) Lahore assured his full support and pointed out an area situated at Thokar Niaz Beg, Lahore, for this purpose. He informed that Lahore Improvement Trust was going to acquire this area to be included in their Johar Town Scheme. But if a notification for the acquisition of the area was moved by the Judicial Employees Cooperative Housing Society then he will help to acquire this area for the Judicial Officers/Employees. Detailed bye-laws of the Cooperative were framed and forwarded to the Cooperative department on 30.10.1979 which were approved and a notification to that effect was issued by the Cooperative Department. The Assistant Commissioner (Ch. Muhammad Hussain) forwarded our request for the issuance of preliminary notification of an area measuring 24-Kanal and 08-

Marla, a notification U/S 4 of the Land Acquisition Act, 1894 was issued by the District Collector, Lahore. When this notification came in the knowledge of Major General (Retd) M.H. Ansari who was the Chairman of Lahore Improvement Trust, he immediately contacted Chief Justice Lahore High Court Mr. Justice Molvi Mushtaq Hussain. The Honourable Chief Justice inquired from the District & Sessions Judge and asked him as to why without his permission a Housing Society of the Judicial Officer/Employees was initiated. He took a serious view of this matter and directed that this should be stopped forthwith. However, the learned District & Sessions Judge directed me to see His Lordship the Chief Justice and apprise him about the necessity of such a society. Through Secretary to Honourable Chief Justice (Mr. Yaqoob Butt) an appointment was sought for an audience with Honourable Chief Justice which was graciously granted. I went to the High Court to see the Honourable Chief Justice. When I entered the Chambers of Honourable Chief Justice I was overawed by atmosphere prevailing therein. It was my first meeting with any Chief Justice. Mr. Justice Molvi Mushtaq Hussain was a well-built tall figure with white hairs and impressive personality. He in a commanding voice enquired of me as to why this initiative has been taken without approval of the High Court. Why the Judiciary was being roped in the property dealing. Would it not affect their Judicial duty? I tried to put forth view of the subordinate Judiciary and to appease him. His response was not favourable. However, he directed me to file the submissions in writing which I did. After 2/3 anxious days, the Honourable Chief Justice informed the District & Sessions Judge that he had reluctantly approved the Scheme and has intimated the Chairman Lahore Improvement

Trust that keeping in view the need of the subordinate Judiciary and staff he has agreed for the establishment of a Housing Society for the Judicial Officers and its subordinate staff. The Lahore Improvement Trust reluctantly agreed to the same and desired that no further extension in this respect be made because it will affect Johar Town Scheme which was being initiated by the Lahore Improvement Trust (Later on Lahore Development Authority) Lahore.

After having been successful in getting a nod from the Lahore High Court we worked with great zeal to implement the scheme. Regular meetings were held by the founder members and they were kept abreast of the progress made in this regard.

The election for the society was held and unanimously the following were elected as office bearer:-

1. Mr. Justice Ijaz Nisar
2. Mr. Aqeel Ahmad Khan
3. Sh. Muzaffar Hussain
4. Mr. Muhammad Zaman Khan
5. Mr. Abdur Rehman.
6. Mr. Muhammad Azim Khan Niazi.
7. Mr. Nusrat Hussain Qureshi
8. Mr. Fayyaz Hamid
9. Mr. Gulzar Ahmad Butt
10. Mr. Masood Umar

11. Mr. Ijaz Mehmood Ch.
12. Mr. Nasim Sikandar
13. Mr. Mumtaz Hussain Malik
14. Mr. Ifzaal Hussain Kazmi
15. Mr. Allah Bakhsh Ranjha
16. Mr. Abdul Basit Sohail.

The Judicial Officer were intimated about this venture and were requested to convey the Society Office (Which was located in the Session Court, Lahore) about their willingness to be enrolled as a member. Initially, the response from the Judicial Officers was not encouraging because they feared that this scheme could not be materialized.

The acquisition proceeding continued and were completed on 02.12.1985 and final notification U/S 6 of the Land Acquisition Act, 1894 was issued on 16.09.1984. As the Society was not in a financial position to pay the land owners the Cost of land and the acquisition charges, therefore a formulae was devised to give the land owners an option to get a plot equal to their 1/3rd holding on payment of development charges. They will be paid price of 2/3rd area given to the society. A number of land owners agreed to this proposal but some of them were hesitant and not willing to give their land or to enter any agreement with the Society. Approximately an area of 418-Kanal was obtained through mutual agreement and rest of area measuring 23-Kanal and 08-Marla was compulsorily acquired and an award No.06 dated 02.12.1985 was

announced by the Land Acquisition Collector with the approval of Board of Revenue.

However, an area measuring about 3-Kanal was neither acquired nor purchased due to non availability of owners. Later on, about 17-Marla owner appeared and made a claim of the same and a litigation about 1-Kanal – 2-Marla is pending before the Collector (Consolidation) Kasur.

TOWN PLANNING.

After the acquisition/purchase of the land for the society, the area was to be planned. In these days I was working as Civil Judge Lahore and in one of the cases, Mr. Nayyar Ali Dada eminent Architect appeared before me as an Engineering expert. Keeping in view his expertise it was decided to engage him for the Town planning and detail designing. He was kind enough to agree to our request on a petty amount. He was provided with the title documents. In about a month, he provided us the Town Planning with detailed designing. When it was Cross checked, it was found that proper survey has not been made and therefore, there were many technical defects. Another Architect/designer firm namely Wajid Associates approached us to complete the job. The design and the Town Planning was crossed checked by a retired Draftsman. As required under the relevant Rules, the Scheme was submitted to LDA Lahore for approval. All prescribed fee and ancillary charges were paid. The scheme was thoroughly scrutinized public notice calling objections was issued. One Mr. Allah Yar Khan Executive Engineer Canal raised certain objections. These objections were duly replied and ultimately the scheme was

passed by the LDA. It may be pointed out that at the relevant time, it was a barren land full of dust and shrubs. Snakes and pests were found in the area.

DEVELOPMENT.

For the Development of Phase-I, tenders were invited through advertisement in the news paper Nawa-e-Waqat Lahore and Pakistan Times dated 12.12.1980. In response to the same, following contractors/Engineers filed their quotations/bids for the development of the Project:-

- i) M/s H.M. Associates, Cavalry Ground.
- ii) Progressive Consultants Gulberg, Lahore.
- iii) Engineering Project Development Work, Gulberg, Lahore.
- iv) Allied Engineering Consultant Gulberg, Lahore.
- v) AETCONS Associates, Architectural Engineering and Town Planning Consultant. Gulberg, Lahore.
- vi) Associater Consultant Engineers M.M. Alam Road, Gulberg, Lahore.
- vii) Hassan Zaman & Company, Arcade International Ltd. Ravi Road, Lahore.
- viii) PAN Islamic Engineering Corporation, Mcleod Road, Lahore.
- ix) Engineering and Construction Management, (Pakistan Ltd.) Islamabad.
- x) Gulf Construction Company (Pakistan) 61 Main Gulberg, Lahore.
- xi) Waheed Associates, Engineers Ltd. Sham Nagar Lahore.
- xii) Mian Atta Muhammad and Sons Ltd. Lawrence Road, Lahore.
- xiii) Nowshera Engineering Services, Ltd. Lahore.
- xiv) Concrete Builders, Lawrence Road, Lahore.
- xv) Union Consultants, Gulberg, Lahore.
- xvi) Development Group, Gulberg, Lahore.

These were securitized under the guidance of Mr. Justice Gul Muhammad Khan and with the approval of Honourable President and Management of the

society, the development work was assigned to M/S Hassan Zaman & Company.

MEMBERSHIP.

Funds were required to run the project and to pay the mobilization charges to the contractor. Therefore, the Managing Committee decided to issue notices/letters to the Judicial Officers inviting applications for the allotment of plot in the scheme. The response was encouraging. However, some objections was raised by a few Judicial Officers who were apprehensive that this task could not be completed by the Judicial Officers and the money deposited by them shall go waste. The price of Developed plot was fixed as Rs.36,000/- per Kanal payable in easy installments. Keeping in view the pace of development, the first installment was fixed as Rs.5000/-. The criteria for allotment was fixed as follow:-

1	District & Sessions Judge	01-Kanal.
2	Addl. District & Sessions Judge & Senior Civil Judge	15-Marla.
3	Civil Judge	Rs.10-Marla
4	Other staff	05 to 07-Marla.

The pace of development was slow as we lacked experience in this field, therefore, a few members withdrew their deposits. In the circumstances some of the officers from other Government departments were accommodated. But when the development got into the full swing the Judicial Officers who had withdrawn their membership again approached to be admitted as members. A few of them were accommodated without any surcharge. During the

development an incident took place. In the nearby area. Army was having exercise and communication wire being laid was through over colony. One of the Army personal while laying the wire on the Electric Pools fell down due to electric shock. A Army took notice of the same and summoned the Secretary of the society and ask as to why necessary precautionary measures were not taken by the society to avoid any such like mishap. I appeared before the Military authorities and apprised them of the situations. They were informed it was the duty of Army personnal to take precautionary measure to avoid any such mishap. Though they agreed to our submissions, yet they wanted that society should also be vigilant in future.

During the development work hurdles were created by some miscreants of the adjoining area and even one murder took place due to dispute between two rival groups. The society had nothing to do with that incident. The development work was supervised by Wajid Associates. Mr. Justice Shamim Hussain Qadri Honourable Chief Justice performed the opening ceremony and appreciated the efforts of the Managing Committee. His speech made on the occasion is at **Annexure-A**. the allotment of the plots to the applicants was made through draw of lots on 1981. Area developed was 408-Kanal which was divided into plots is as under:-

1. One Kanal.
2. 15-Marla.
3. 10-Marla.
4. 05 to 07-Marla.

Prominent among the allottees were Honourable Judges of the High Court, Federal Minister for Law and Federal Law Secretary they were allotted plots measuring more than One Kanal. List is attached as **Annexure-B**.

As per requirement of Lahore Development Authority 25 % had to be mortgaged to ensure that the development was carried out as per specification. Accordingly, 81-Kanal 13-Marla & 22-Sq.Ft. were mortgaged with Lahore Development Authority. We experienced great difficulty in communicating with Lahore Development Authority. After hectic efforts, the mortgaged plots were redeemed when the development work was completed much earlier than scheduled.

The allotment of plots was made through draws of lot. Honourable Mr. Justice Dr. Javed Iqbal supervised this exercise and in consequence of plots were allotted to _____ members. It was a matter of great satisfaction that all those who had applied for membership within the stipulated time and deposited 1st installment were allotted plots. It is interesting to note that initially no body believed that this task could be completed by the Judicial Officers who besides their Judicial duties were supervising this project. Mr. Justice Shamim Hussain Qadri Chief Justice performed the opening ceremony on _____ and applauded the efforts of all those who participated in this venture. The welcome address by the Secretary (Annexure-C) and address thereon by the Honourable Mr. Justice Shamim Hussain Qadri the then Chief Justice (Annexure-D). The ordeal did not end with the completion of the development work. The Lahore Development

Authority has been pressurizing the society on one pretext or the other and this practice continues till today. There were two water courses passing through this colony. One of these was parallel to Raiwind Road. We made a plan to make it Pacca but it was resisted by land owners of village Niazbeg, and consequently we had to abandon this idea. Likewise, another water channel passes through the society which irrigated the private land owned by Mr. Allah Nawaz who was XEN in the irrigation department. He also did not allow us to make it pacca and the irrigation department fully supported him and whenever we tried to make improvement therein notices were issued by the irrigation department even now this channel exists.

In the land of Phase-I, there was certain land owned by Auqaf Department. We had excluded this area in our Master Plan. A private person established a society under the name of Canal Breeze Housing Society and included the same in his society which fell within our boundaries. Later on, the Federal Land Commission, set aside the allotment made to Canal Breeze Housing Society. Thereafter one Mr. Abdur Rehman got allotted this land through Federal Land Commission and approached the society for exemption of plots. With the approval of Managing Committee, an agreement was signed between the society and the claimant.

In furthermore of the some _____ Kanal was exempted to Mr. _____ who disposed it of to various persons and ultimately these persons applied for merger of this area in Phase-I, and after receiving development charges this area was included in Phase-I.

It is worth mentioning that the Village Niazbeg has the history of fake claimants and the Revenue Department also helped them in creating problems for the genuine owners. In one of the cases we had entered into an exemption agreement with the land owners but after a lapse of considerable time the Revenue Department cancelled the ownership without notice to them or to the society. The matter is still pending in the court.

As pointed out earlier, the L.D.A. has been interfering and requiring us to act upon their demands which were not in vague at the relevant time.

In the year _____ we applied for the completion certificate from the L.D.A. but they refused in on fhmsy ground. Per force, we filed a writ before the High Court. The Honourable Judge seized of the matter, issued notice to the LDA and ultimately the LDA conceded our view point and desired that we should furnish a Surety Bond for the completion of development work as per LDA standard the security was furnished and a sum of Rs. _____ was deposited. The development work was complete in all respects and finally after inspection and to their satisfaction the LDA issued the completion certificate and refunded the security amount. LDA claims that all the roads in the society, open spaces, Parks and public buildings was in the ownership of LDA and they could dispose these as and when required by the LDA. The land measuring _____ Kanal falling on triangle Canal road and Raiwind road was leased out by the LDA which also included road land of the society. On our protest they maintained that the road belonged to the LDA.

Similar claim was made by the Revenue authorities and they demanded that society should pay them compensation for using Revenue paths but we successfully rebutted their claim.

As the President of the Society Honourable Mr. Justice Ijaz Nisar was occupied with his Judicial assignments, therefore, he vide order dated 6.7.1989 nominated Ch. Taj Muhammad Member Inspection Team, Lahore High Court to Supervise all colonies of the society at Lahore, Rawalpindi and Faisalabad as Project Director and he was also authorized to exercise the Powers of President subject to the approval of Managing Committee (Annexure-**E**)