

**IN THE HIGH COURT OF SINDH,  
CIRCUIT COURT HYDERABAD**

CP No. D- 2230 of 2018

**Present:**

Mr. Justice Muhammad Iqbal Kalhoro  
Mr. Justice Adnan-ul-Karim Memon

Kashif Hussain ----- Petitioner

Versus

Province of Sindh and others ----- Respondents

Date of Hearing : 24.01.2019

Petitioner present in person

Respondent No.3 Riaz Ahmed present in person

Mr. Allah Bachayo Soomro, Addl.A.G. along with Mukhtiar Ahmed  
Ghangro Additional Director Sindh Seed Corporation Hyderabad.

**ADNAN-UL-KARIM MEMON**,- Through the captioned petition, the petitioner has approached this court for enforcement of allotment of residential quarter i.e Flat No.F-4 at Sindh Seed Corporation Employees residential colony Hussainabad, Hyderabad vide letter dated 28.5.2018 alleged that respondent No.3 who has no concern has illegally and unlawfully occupied the flat in question and is not ready to vacate and deliver possession of the same to the petitioner.

2. Brief facts of the case are that petitioner is working as Store Attendant in Agriculture Engineering wing workshop Badin, Sindh Seed Corporation and was allotted Quarter / Flat No.F-4 at Sindh Seed Corporation Employees residential colony Hussainabad, Hyderabad vide letter dated 28.5.2018. Petitioner has submitted that the Respondent No.3 has occupied the aforesaid quarter without lawful authority being outsider and is posing himself working in media and issuing threats to the petitioner that in case he tried to get vacated the aforesaid flat in question from him, the petitioner shall be scandalized in false allegations in the media. Petitioner has submitted that he approached the concerned authorities to get

vacated the said flat from respondent No.3 but his all efforts went in vain as the respondent No.3 has refused to vacate the flat in question. He being aggrieved has filed the instant petition on 20.2.2006.

3. Petitioner who is present in person has called in question the illegal action of the private person, who has illegally occupied the Quarter / Flat No.F-4 at Sindh Seed Corporation Employees residential colony Hussainabad, Hyderabad duly allotted to the petitioner.

4. We inquired from the officer present in court with regard to the possession of the subject premises. In reply to the query he has submitted that earlier one Mr. Liaqat Ali watchman / chowkidar was allotted the subject premises and thereafter his allotment was verbally cancelled and the same was allotted to the petitioner. He has further submitted that respondent No.3 has unlawfully occupied the Government accommodation and they have written letters to the competent authority including police to take action against Respondent No.3 but to no avail.

5. Respondent No.3 present in court has submitted that the subject flat was allotted to Mr. Liaqat Ali and he has been wrongly arrayed as party in the present proceedings, however he has denied to have occupied the Flat No.F-4 at Sindh Seed Corporation Employees residential colony Hussainabad.

6. After hearing both the parties to evaluate and assess the contention raised, while going through the relevant record as well as the Policy Governing Allotment of Residential Accommodation by Estate Office, as amended from time to time, it is absolutely clear that government accommodation is available to the employees of Sindh Government Servant only. This court has already decided the aforesaid issue involved in the present proceedings, in Constitutional Petition D-2110/2009 and other connected petitions vide judgment dated 16th July, 2018. The honorable Supreme Court has recently passed an order in Human Rights Case No.30588-S of 2018 dated 09.06.2018:

“ Persons who are occupying the property unauthorizedly and do not have any stay order or order by the Competent Authority to retain the possession, the authorities competent are directed to obtain the possession from them within a period of six weeks from today with the help of law enforcing agencies.”

7. We have been informed that Flat No.F-4 is currently occupied by an unentitled person. Respondent No.3 has admitted that he has not occupied the subject premises, but is living with Liaquat Ali who is his nephew. If this being the position of the case, this petition stands disposed of with direction to the official Respondents to get the Flat No.F-4 at Sindh Seed Corporation Employees residential colony Hussainabad, vacated from the person who is illegally occupying the same and handover the possession to the legal allottee as per law. Official Respondents are further directed that all allotments shall be made strictly on merit. The officials concerned would be at liberty to seek assistance of police force for vacating the flat in question.

8. Petition stands disposed of.

JUDGE

JUDGE

karar\_hussain/PS\*