

Order Sheet
IN THE HIGH COURT OF SINDH KARACHI

Before:

Mr. Justice Muhammad Shafi Siddiqui
Mr. Justice Adnan-ul-Karim Memon

Constitutional Petition No. D -6018 of 2019

Ali Gul Kalyar

Versus

Government of Pakistan and 03 others

Date of hearing
& order : 10.02.2021

Mr. Muhammad Wasif Riaz, advocate for the petitioner.

ORDER

ADNAN-UL-KARIM MEMON, J. - Through this constitutional petition, the petitioner seeks direction to the private respondent to vacate the portion of Quarter No.161-D Lawrence Road, Karachi allotted to him vide allotment order dated 03.01.2017.

2. It is urged that the petitioner was allotted the subject quarter in the year 2017, however, at the time of its occupation, 60% physical possession of the subject quarter had already been enjoyed by the private respondent; and, on that account, the petitioner is suffering. Per petitioner, he has been paying the rent for the entire quarter. He prayed for a direction to the private respondent to vacate the portion of the subject quarter and hand it over to him.

3. We have heard learned counsel for the petitioner on the maintainability of the instant petition and have perused the material available on record.

4. *Prima-facie*, at the first instance, the issue of possession of official Accommodation No. 161-D Lawrence Road, Karachi, has to be decided by the Joint Estate Officer, Ministry of Housing and Works, Government of Pakistan, and this Court under Article 199 of the Constitution cannot enforce the terms of allotment of the subject quarter.

5. This petition being wholly misconceived is dismissed in limine along with the pending application(s) with no order as to costs, leaving the petitioner at liberty to avail the remedy before the Court of plenary jurisdiction.