

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

CP No. D- 417 of 2019

**Present:-**  
**Mr. Justice Nadeem Akhtar**  
**Mr. Justice Adnan-ul-Karim Memon**

Date of hearing:  
& decision: 16.10.2019

Petitioner: Zameer Hussain through Mian Taj Muhammad Keerio, Advocate for whom Mr. Abdul Razaq Dars, Advocate is holding brief.

Respondents 2&.3: Registrar & Campus Administrator & Security Advisor, Liaquat University of Medical & Health Sciences, Jamshoro through Mr.Kamaluddin, Advocate

Respondent No.1: Mr. Allah Bachayo Soomro, Addl.A.G.

**ORDER**

**ADNAN-UL-KARIM MEMON, J:-** Through this petition, the petitioner is seeking declaration to the effect that he is entitled for possession of Bungalow No.2 Liaquat University of Medical & Health Sciences Jamshoro (LUMHS) Colony Jamshoro by virtue of allotment order dated 21.10.2016 issued by the respondent-university.

2. Basically the petitioner has premised his case on the basis aforesaid allotment order dated 21.10.2016. It may be observed that this matter was called in the morning, however on account of pre-occupation of learned counsel for the petitioner in another Bench of this Court, the matter was kept-aside and was subsequently taken up at 11.30 am but the learned counsel remained absent and finally this matter was again taken up at 1.15 pm but even then the learned counsel did not turn up. Due to the aforesaid reasons, this matter was heard in presence of learned counsel representing the respondents.

3. The only substantive ground which is agitated in the present proceedings is that the petitioner is residing in a rented house at Qasimabad at a far distance from LUMHS Jamshoro due to which he is facing hardship and mental agony; that he made representations to the respondents No.2 and 3 but his all efforts went in vain; that all the citizens of Pakistan are equal and the official respondents are not treating him equally and have deprived him from his legal, legitimate and constitutional rights which is violation of Article 25 of the Constitution of Islamic Republic of Pakistan, 1973; that all the citizens are equal before the law and are entitled to equal protection of law.

4. Upon notice, respondent No.1 filed parawise comments, and controverted the stance taken by the petitioner and asserted that the allotment of the petitioner was cancelled vide cancellation order dated 5.10.2017 and the bungalow in question was allotted to Dr. Pushpa Goswani, Associate Professor of Department of Anatomy LUMHS Jamshoro vide allotment order dated 17.10.2017 and who is in occupation; that the petitioner is getting monthly rent as per his entitlement as such question of facing hardship and mental agony does not arise; that no constitutional rights of the petitioner have been infringed, therefore, this petition being misconceived is liable to be dismissed.

5. We have considered the pleadings of the petitioner in absence of his counsel, on the ground as discussed in the preceding paragraph, as well as contentions of learned counsel for the respondents and have perused the material placed on record.

6. Coming to the merits of the case, we are not satisfied with the assertion of the Petitioner on the aforesaid pleas. The Petitioner is admittedly not in occupation of the subject premises and his purported allotment had already been cancelled, thus he was not entitled to re-allotment / retain / occupy the official accommodation, as it is only available to the officers of the respondent-university holding valid and subsisting allotment order as per the terms and conditions set forth in the official accommodation policy.

7. In view of the forgoing, we are of the considered opinion that the Petitioner was unable to demonstrate any right, whereby his claim for occupation / allotment of official accommodation was tenable. The documents relied by the Petitioner do not confer any right thereupon permitting him to ask for the retention of subject premises. Nothing has been placed on record to demonstrate that the license / permission on the basis,

whereof the Petitioner was initially allotted the official accommodation, is still in his name. It would appear that the aforesaid petition is devoid of merit. In our view, the petitioner cannot take shelter of allotment order dated 21.10.2016, even otherwise the said allotment order stood cancelled vide letter dated 5.10.2017 and the bungalow in question was allotted to Dr.Pushpa Goswani, Associate Professor of Department of Anatomy LUMHS Jamshoro vide allotment order dated 17.10.2017 and who is in occupation.

8. In view of such factual position of the case and keeping in view the legal position, as provided under the law, at this juncture, no case has been made out to justify for allotment / re-allotment / retention / occupation of the official accommodation as discussed in the preceding paragraph.

9. We have noticed that the petitioner has not disclosed in the memo of petition, the factum of cancellation of his allotment on 5.10.2017 and subsequent allotment to Dr. Pushpa Goswani, who is not party in the present proceedings, which prima facie shows that the petitioner has not come before this Court with clean hands thus is not entitled for any relief.

10. In the light of above facts and circumstances of the case, this petition is devoid of merit which stands dismissed.

JUDGE

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