

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C.P. No. D-2728 of 2021

Order with signature of Judge

Fresh Case

1. For order on Misc. No.11777/2021.
2. For order on Misc. No.11778/2021.
3. For order on Misc. No.11779/2021.
4. For hearing of main case.

21.04.2021

Mr. Muhammad Hafeez Sindhu, advocate for the petitioner.

1. Urgency granted.
2. Exemption application is granted subject to all just exceptions.
- 3-4. Through this constitutional petition, the petitioner seeks direction to the respondents not to allot the Staff Quarter No.2, Area 4-B, Landhi No.6, Karachi to respondent No.4 on the premise that the said staff quarter was allotted to her and she is residing in the said quarter along with her family and ailing husband. It is urged that the petitioner was allotted the subject quarter in the year 1989, and now she has applied for L.P.R. (Leave preparatory to Retirement), however, the official respondents are bent upon to reallocate the staff quarter to respondent No.4 without looking into the fact that she has been residing therein with her family members and the ailing husband; and, she is entitled to continue with the possession, after retirement up to one year. Per petitioner, she has been paying the rent for the subject quarter. She prayed for the direction to the official respondents not to dispossess her and her family from the staff quarter; and, in the meanwhile, they may be directed to release her pensionary benefits and outstanding amount of Rs.3,39,450/-. *Prima-facie*, at the first instance, the issue of possession of official Accommodation No. 2, Area 4-B, Landhi No.6, Karachi, has to be decided by the official respondents after a statutory period as required under the law, and this Court under Article 199 of the Constitution cannot enforce the terms of allotment of the subject quarter, however, the petitioner has pleaded urgency in the matter on the ground that she is still entitled to retain the official accommodation after her retirement within a certain period. If this is the position of the case, let at the first instance notice be issued to the respondents as well as to learned AAG for **04.5.2021** with direction to file comments. Meanwhile, the petitioner shall not be evicted from the subject quarter.

JUDGE

JUDGE