

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
Constitutional Petition No. D-2676 of 2017
(*Ms. Shams Fatima & others versus Province of Sindh & others*)

Date	Order with signature of Judge(s)
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Before:

Mr. Justice Muhammad Karim Khan Agha

Mr. Justice Adnan-ul-Karim Memon

Date of hearing and order:- 07.11.2025

Petitioner No.3 present in person.

Mr. Ali Safdar Depar, Assitant Advocate General

ORDER

Muhammad Karim Khan Agha,J:- The Petitioners, pray that this Court to:

1. *Restrain Respondents No.3, 4, and 5 from harassing, threatening, or unlawfully dispossessing the Petitioners and their families from their allotted government accommodations.*
2. *Declare the vacation notices issued by the Respondents as illegal, void, and without lawful authority.*
3. *Grant ad-interim relief by restraining the Respondents and their agents from dispossessing the Petitioners pending final disposal of this petition.*
4. *Grant any other or further relief that this Honourable Court may deem just, equitable, and appropriate in the circumstances.*

2. The Petitioner No.3 who is present in person submit that they are lawful allottees and occupants of government accommodations situated at D.C. Central Office Compound, Buffer Zone, Karachi. She submitted that they have been residing therein for several years under valid allotment letters issued by the competent authorities, and regular deductions towards accommodation rent have been made from their monthly salaries.

3. It is the case of the Petitioners that they are lawful allottees of government accommodations situated in the D.C. Central Office Compound, Buffer Zone, Karachi. Petitioner No.1 occupies Flat No.8, Block-2, allotted vide Letter No. DCO DO/Accn/440/2010 dated 24.05.2010, and regular deductions for rent have been made from her salary since 2010. She, however, received a vacation notice No. DC(C)/DC.Complex/608/2017 dated 21.04.2017, threatening registration of FIRs in case of non-compliance. Petitioner No.2 occupies Flat No.6, Block-3, allotted vide Letter No. DO/Accn/688/2008 dated 28.07.2008, with similar salary deductions since 2008, and received a similar notice No. DC(C)/DC.Complex/613/2017 dated March 2017. Petitioner No.3 occupies Flat No.1, Block-3, allotted vide Letter No. E.D.O.Rev/DDO/Rev/38/H.C/Karachi dated 04.10.2004; Petitioner No.5 occupies Flat No.5, Block-3, allotted vide Letter No. CDGK/DO/C&F/472/2005 dated 01.11.2005 and was served with notice No. DC(C)/DC.Complex/609/2017 dated 21.04.2017. Petitioner No.6, Chief Pharmacist KMC, resides in Bungalow No. WS-3 and received notice No. DC(C)/DC.Complex/611/2017 dated 21.04.2017. The Petitioners submit that out of six bungalows and twenty flats in the compound, only a few occupants have been issued such notices, reflecting

a discriminatory and selective policy. Officers from KDA, KMC, Water Board, MDA, and the Election Commission also reside there without being asked to vacate. The Petitioners' accommodations were lawfully allotted by the then District Coordination Officer (DCO), CDGK—the competent authority at the time—and rent has been duly deducted from their salaries. It is further submitted that the Commissioner Karachi himself occupies KDA property; therefore, the Petitioners, as KMC officers, have equal rights to their allotted residences. Similar shared arrangements exist in DS Flats and KMC (Nuzhat) Flats, where officers from various departments reside together. The impugned notices were served through police officials without any representative of the D.C. Office, causing fear and harassment among the Petitioners. Respondent No.6 has also been involved in intimidation in the area. It is noteworthy that one former resident, Mr. Israr Ahmed Alvi (Bungalow No. C/1), died on 21.11.2015 due to the stress of similar eviction notices. The Petitioners maintain that they are law-abiding government servants, not illegal occupants, and their continued residence is lawful and bona fide. The Respondents' actions are arbitrary, mala fide, and without lawful authority. The Petitioners apprehend unlawful dispossession, false cases, and further harassment, which has caused them and their families mental distress, affecting their work and their children's education. They therefore pray that this Court may be pleased to allow this petition in the interest of justice.

4. Learned AAG submitted that the husband of Petitioner No.3 passed away on 18-10-2016. Since then, Petitioner No.3 has been residing in Flat No.1, Block-3, D.C. Central Housing Complex, Bufferzone, Karachi ("the Said Flat"), which was originally allotted to her late husband, for approximately 10 years. Respondent No.4 issued notice No. DC(C)/DC.Complex/617/2017 dated 21-04-2017 to her late husband for vacation of the flat (Annexure "C"), but Petitioner No.3 has not vacated the premises. He further submitted that Petitioner No.3 is residing unlawfully without paying rent or complying with government policy, which requires deduction of house rent and 5% of basic salary from entitled employees. She has failed to fulfill these obligations, evading government liabilities. It is, therefore, prayed that she be directed to clear all outstanding dues and pending utility bills for the period of her occupancy. He added that currently Assistant Commissioner, North Nazimabad Sub-Division, District Central, Karachi, has no official residence in Karachi, and the Said Flat falls within his entitlement. The flat is therefore in unauthorized possession of Petitioner No.3. The DC Central Complex is within the jurisdiction of North Nazimabad Sub-Division, further establishing the Applicant's lawful claim. And the

concerned has been deprived of his entitled accommodation by Petitioner No.3, causing financial, mental, and physical hardship.

5. Respondents No.3 and 4 submitted in the comments that Petitioner No.1 has concealed material facts regarding her professional status. She is not serving as Deputy Director, KMC, as claimed, but is presently posted as Senior Clerk in the Office of the Deputy Commissioner Karachi West. She was originally appointed as Junior Clerk (BPS-5) in the Office of the Deputy Commissioner, Karachi Central, and during the 2001 devolution plan, was irregularly promoted under CDGK. Pursuant to Supreme Court orders dated 12.06.2013, 15.08.2014, and 05.01.2015, she was repatriated to her parent department by the Commissioner Karachi (Order No. CK/GNS/ESTT/173/2017-38 dated 17.01.2017, Annexure-A). The D.C. Central Housing Complex was constructed by the Board of Revenue, Government of Sindh, exclusively for Provincial Administrative Service officers, including Deputy Commissioners, Additional Deputy Commissioners, and Assistant Commissioners. During the 2001 devolution, the District Officer (Accommodation), CDGK, issued allotments without lawful authority or approval from the competent authority. Consequently, the Deputy Commissioner Karachi Central, vide letter No. DC(C)/ESTT/038/2014 dated 20.01.2014, informed KMC authorities that all allotments made by any other authority were null and void. The Director Accommodation, KMC, handed over the records confirming the invalidity of unauthorized allotments (Letter No. DIR/ACCN/KMC/139/2014 dated 06.02.2014). A meeting under the DC Central held on 03.01.2014 decided the terms of reference for occupancy of the Complex. Further, the Provincial Cabinet, through letter No. SOVI(SGA&CD)7(242)/2016 dated 16.11.2016, directed that all officers occupying unauthorized accommodations must vacate immediately, failing which FIRs could be lodged. The Board of Revenue clarified that the Complex is intended solely for Revenue Officers to ensure their timely presence in the district for public service. Unauthorized occupation by CDGK/KMC officers has deprived Revenue Officers of housing, forcing them into rented premises far from their offices and causing administrative difficulties. Respondents submit that the District Officer (Accommodation), CDGK, had no lawful authority to make these allotments, which were irregular and unauthorized. Other occupants are lawful allottees from the Revenue Department, and notices were issued only to non-Revenue officials. The Commissioner's Office is not KDA property; it is a historical government building. Estate Department of SGA&CD issues notices in accordance with Provincial Cabinet directives. No harassment was committed, and the death of Mr. Israr Ahmed Alvi was natural. All actions taken and notices issued by the Respondents are

lawful, justified, and in accordance with government policy and court orders. The Petitioners must prove any alleged political tension; Respondents deny all such claims. In conclusion, the Petitioners' allotments were unauthorized, invalid, and stand null after repatriation and Cabinet directives. They prayed to dismiss the petition.

6. We have heard the petitioner No. 3 who is present in person and learned AAG and with their assistance have perused the record.

7. The Supreme Court of Pakistan in its 2018 order directed the Secretary of Housing & Works and provincial chief secretaries to file sworn affidavits that no government accommodation was occupied by persons unentitled thereto; and further required waiting lists, online data, seniority-based allotment and cancellation of "out-of-turn" occupations. This court has held in various petitions that out-of-turn allotments of official residences is illegal, arbitrary and liable to cancellation. Thus, the legal requirement is: (i) allottees must be entitled under applicable policy/rules; (ii) allotments must follow procedural fairness (waiting list, seniority, no favoritism); (iii) those occupying without entitlement may be lawfully evicted; (iv) government must maintain records and ensure public access to details of accommodation allotments. Applying these principles to the facts the Petitioners have to hold valid allotment letters from the competent authority at the relevant time and rent deductions have been made, that supports their claim of entitlement. And if as the Respondents alleged that the allotments were not made by the authorized body (e.g., they were made by the District Officer (Accommodation) of CDGK rather than the authorized Board of Revenue officer), lacked formal approval or were "out of turn", then the allotments may be void or subject to cancellation, which is subject to verification by the concerned competent authority.

8. This petition is not maintainable under the law and is accordingly dismissed. The petitioners shall vacate the property within four weeks of the date of this order.

HEAD OF CONST. BENCHES

JUDGE

Shafi