

IN THE HIGH COURT OF SINDH, CIRCUIT COURT LARKANA

Before:

Mr. Justice Muhammad Saleem Jessar

Mr. Justice Nisar Ahmed Bhanbhro

Constitutional Petition No.D-24 of 2025

Petitioner: Ameer Ali Khuhro
Through M/s. Gul Muhammad Pathan &
Ayaz Hussain, Advocates.

Respondent: Through Mr. Irshad Ali R. Chandio
Advocate.

The State: Through Mr. Riaz Hussain Khoso,
Deputy Attorney General, Sindh

Date of hearing: 18-09-2025

Date of Decision: 18-09-2025

ORDER

NISAR AHMED BHANBHRO J.- Through instant petition, the petitioner has challenged the order dated 28-11-2024, issued by the Chief Engineer (Water) WAPDA, Sukkur, whereby the allotment of Quarter No.E-34 WAPDA Colony, Mirokhan Road, Larkana, was cancelled.

2. Mr. Gul Muhammad Pathan, learned counsel for the petitioner contended that the petitioner was allotted residential quarter No.E-34 in WAPDA Colony, Mirokhan Road, Larkana, 24 years back, since then he has been paying the monthly rent through at source deduction from his salary. He argued that allotment of the quarter was cancelled without providing petitioner an opportunity of hearing, which from face of it is illegal without any lawful authority. He, therefore, prayed to set aside the impugned order.

3. Mr. Irshad Ali R. Chandio, learned counsel for the respondent No.1, contended that the petitioner was allotted the

quarter but he himself did not reside in the said quarter and sublet to the stranger. He contended that the occupants of the quarter trespassed into the house of one Asadullah in the same colony and an FIR No.11/2024, for offence punishable u/s 380 and 457 PPC was recorded against them. He contended that the conduct of the petitioner subletting quarter to the strangers was violation of Accommodation Policy. He argued that the authority took the action for cancellation of allotment upon the complaint moved by the residents of the colony. He contended that the complaint moved by the residents was verified, wherein it transpired that the petitioner was residing in Larkana city and quarter was in possession of Mukhtiar, Ameer Ali and Hussain Bux. He prayed that no case for indulgence of this court has been made out therefore, the petition may be dismissed.

4. Learned Deputy Attorney General has supported the stance of the counsel for the respondent No.1.

5. Heard arguments and perused the material available on record.

6. Petitioner was allotted the quarter under Accommodation Policy, wherein it is specifically mentioned that the premises shall be used by the allottee himself and will not be subject to subletting to others. The WAPDA has framed the Residential Accommodation Policy 2025, wherein allottee was bound to follow the policy and in terms of clause "O" of the general guideline. If the allottee was found to have violated the terms and conditions of allotment, his allotment was liable to be cancelled, besides disciplinary actions. Per record the quarter No.E-34 was allotted to the petitioner for his personal use but he sublet the same to the strangers which was clear violation of the terms and conditions of the allotment. From the record it also transpired that the petitioner has constructed a shop

outside the quarter which is also violation of the terms and conditions of the allotment order. It further transpires from the record that the occupants of the quarter trespassed into the house of neighboring resident Asadullah and committed theft from his house. Asadullah recorded an FIR No.11/2024 at police station Kanga for offence punishable u/s 380, 457 PPC. The matter was reported to the Chief Engineer (Water) WAPDA, Sukkur, who cancelled the allotment of the petitioner by invoking Rule 16 of the WAPDA Centralized Accommodation Policy 2025. Rule 16 reads as under:-

DISCIPLINE AND PENALTIES FOR VIOLATION

- a. No allotted accommodation can be sublet, in case of violation allotment will be cancelled. If the illegal tenant is a WAPDA employee, he/she shall be liable to disciplinary action under WAPDA E&D Rules and the actual allottee be disqualified permanently for future allotments and the competent authority shall also take action against him under WAPDA E&D Rules.
- b. Allotted accommodation to a WAPDA employee shall be cancelled at any time, if allotment is made in violation of WAPDA Allotment Policy, merit or due to concealment of any fact/information by the allottee.
- c. In case of any misconduct by occupant/allottee or any of his family member, allotment shall liable to be cancelled and disciplinary action under E&D Rules be taken.
- d. Political and religious/sectarian debates shall not be allowed at the colony premises. In case of violation, allotment shall be cancelled.
- e. The allotment of a WAPDA employee who is finally convicted by final court of law under criminal/moral offence shall be cancelled immediately.
- f. Appeal against the disqualification/cancellation of allotment under the rules shall be heard and decided by the respective competent authority.

7. Perusal of Rule 16 of the policy reveals that a forum of appeal has also been provided to deal with the allotment matters. When confronted, learned counsel for the petitioner failed to dispel the factual position as surfaced on the record. Since the petitioner was found involved in violation of the terms and conditions of the

allotment, therefore, the impugned action was rightly taken against him.

8. For the aforementioned reasons, we are of the considered view that the petitioner has failed to make out the case for indulgence of this court under equitable and extraordinary writ jurisdiction under Article 199 of the Constitution of The Islamic Republic of Pakistan, 1973. Consequently the petition fails and is dismissed with no order as to the costs, along with listed applications, if any.

JUDGE

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