

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

Constitutional Petition No. D-5533 of 2022
(Karachi High Court Employees Cooperative Housing Society Limited & another
Versus
Province of Sindh & others)

Date	Order with signature of Judge(s)
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Mr. Justice Adnan-ul-Karim Memon
Mr. Justice Muhammad Hasan (Akber)

Date of hearing and order: 20.5.2026

Mr. Muhammad Umer Lakhani advocate for the petitioners alongwith
Mr. Muhammad Usman, on behalf of petitioner No.1
Mr. Abdul Jalil Zubedi, Additional AG
Mr. Ghazanfar Ali Abbasi, DS, LU Department, Board of Revenue, Sindh
Mr. Mushtaque Ali, Focal Person, Board of Revenue, Sindh
Mr. Ghulam Ali, SO Litigation, LU Department

ORDER

Adnan-ul-Karim Memon, J. The Karachi High Court Employees Cooperative Housing Society, representing employees of the Sindh High Court, filed the instant Constitution Petition seeking a writ of mandamus for allotment of additional state land measuring 200 acres, or 100 acres, near its existing housing scheme in Scheme No.33, Karachi, or adjoining New DHA, Karachi. The petitioners contended that the Society was originally allotted 35 acres, which has been fully utilized for its members, and due to subsequent expansion in membership and appointments, a substantial number of employees remain without housing facilities. Reliance was placed on a series of governmental assurances, correspondence, and meetings spanning from 2006 to 2013, as well as observations recorded by this Court in CP No.D-746/2020 dated 28.05.2022, wherein it was stated that similar requests by Karachi High Court employees would be considered at par with similarly placed employees in Hyderabad. It was further argued that denial of comparable allotment violates constitutional guarantees under Articles 17, 18, 23, 24, and 25 of the Constitution.

2. On the other hand, the respondents, through the Senior Member, Board of Revenue, submitted that a complete ban is presently in force on all types of allotments, transfers, mutations, and conversion of state land, in view of the Supreme Court judgment dated 28.11.2012 in Suo Motu Case No.16/2011, as well as a judgment of this Court dated 21.10.2024. It was further stated that due to ongoing reconstruction of revenue records in Sindh and concerns of illegality and irregularities, no additional allotment can be made at this stage. However, it was suggested that the petitioner society may approach the competent authority

through a proper application, which may be considered in accordance with the law.

3. At the same time, this Court is mindful of the fact that the interpretation, scope, and effect of the order dated 28.11.2012 passed by the Hon'ble Supreme Court fall within the domain of the Hon'ble Apex Court, and this Court would refrain from issuing any direction contrary thereto. The Supreme Court has emphasized strict control, transparency, and reconstruction of revenue records, restraining unauthorized or premature allotments to safeguard public interest and prevent misuse of state land. However, similar matters had previously been addressed by the Supreme Court in the Hyderabad High Court Bar Association case, where a similar course was adopted.

4. In these circumstances, without touching the merits of the case and with the consent of both parties, it is mutually agreed that the matter be referred to the competent authority for appropriate orders on the subject issue.

5. Accordingly, the petition is disposed of with the understanding that the petitioner-society may submit a proper application to the Senior Member, Board of Revenue, Sindh, and the Land Utilization Department, within two weeks, who shall examine the matter jointly in accordance with law and, if deemed appropriate, place it before the Worthy Chief Minister, Sindh, for decision, if any, within a reasonable time. In case allotment is considered barred under the order dated 28.11.2012 and subsequent orders of the Hon'ble Supreme Court in *Suo Motu Case No.16 of 2011*, a clear, reasoned, and speaking order shall be passed indicating the precise legal impediment, scope of restriction, and reasons for any differential treatment vis-à-vis similarly placed cases.

6. All pending applications were also disposed of in the same terms.

JUDGE

JUDGE