

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

C.P No.D-4848 of 2026

[PC-38447 Shahid Iqbal and others V. Province of Sindh and others]

DATE	ORDER WITH SIGNATURE OF JUDGE(S).
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Before;
Mr. Justice Muhammad Saleem Jessar;
Mr. Justice Abdul Hamid Bhurgri.

- 1. For orders on Misc. No.18767/2026.
- 2. For order on office objection No.9.
- 3. For orders on Misc. No.18768/2026.
- 4. For orders on Misc. No.18769/2026.
- 5. For hearing of main case.

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Date of hearing and Order:- 07.08.2026

Mr. Abdul Jalil Khan Marwat, Advocate for the petitioners.

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Abdul Hamid Bhurgri, J.- The case of the petitioners is that they are presently in possession of government family quarters situated at RRF Naval Base (Old Naval Family Police Lines), Baldia Town (Saeedabad), Karachi. According to them, they are serving officials of Sindh Police and have remained in peaceful, continuous and physical possession of their respective quarters. They claim that they are neither trespassers nor clandestine occupants, as they entered into possession after the original allottees had vacated the quarters and voluntarily permitted the petitioners to occupy the same. In support thereof, the original allottees are stated to have furnished affidavits/no-objection certificates expressing that they have no objection if the respective quarters are allotted to the petitioners.

2. Learned counsel for the petitioners contended that the respondents were fully aware of the petitioners’ occupation of the quarters but did not raise any objection thereto. The petitioners also submitted applications before the competent authority seeking allotment/regularization of the quarters in their favour, which, according to them, remained undecided. Their grievance is that, without first deciding such applications and without issuance of any show-cause notice or affording them an opportunity of hearing, respondent No.3 issued the impugned office order dated 16.07.2026, whereby the allotments standing in the names of the original allottees were cancelled and the quarters were allotted to other officials, notwithstanding the petitioners’ continued physical occupation thereof.

3. We have heard learned counsel for the petitioners and examined the material available on record.

4. It is an admitted position that none of the quarters in question was ever allotted to any of the petitioners by the competent authority through a valid allotment order. The petitioners, therefore, do not claim possession pursuant to any allotment made in their favour; rather, the very foundation of their claim is that possession was handed over to them by the original allottees. A perusal of the impugned office order, available as Annexure "D" to the petition, further reflects that the allotments cancelled thereunder stood in the names of the original allottees. Significantly, none of those original allottees has challenged the cancellation of his allotment through the present proceedings.

5. Government accommodation is allotted to an eligible official in accordance with the applicable rules/policy and subject to the terms governing such allotment. An allottee of government accommodation does not thereby acquire any proprietary or transferable interest therein so as to induct another person, transfer possession to him, or confer upon such person a right to seek continuation or regularization of that occupation. Consequently, any affidavit or no-objection certificate furnished by an erstwhile allottee cannot, by itself, create a legal right in favour of the petitioners against the Government or bind the competent authority to allot or regularize the quarters in their favour. Mere physical possession, howsoever long or within the knowledge of the authorities, cannot substitute a lawful allotment nor mature into an enforceable right to retain government accommodation.

6. Learned counsel was also confronted as to whether the petitioners were paying any rent or other occupation charges in respect of the quarters to the competent authority, to which he replied in the negative. Be that as it may, the decisive consideration remains that the petitioners have not been able to demonstrate any lawful allotment, vested right or other legal entitlement in their favour in respect of the quarters in question.

7. The contention regarding non-issuance of show-cause notice or denial of an opportunity of hearing is equally unavailing in

the circumstances of the present case. The impugned order cancels allotments which were admittedly not in the names of the petitioners. The petitioners cannot derive a right to challenge cancellation of allotments made in favour of other persons merely on the basis that such persons had permitted them to occupy the government quarters. Likewise, the mere filing or pendency of applications seeking allotment/regularization does not, in the absence of any statutory or otherwise enforceable right, confer upon the petitioners a legitimate claim to continue occupying the quarters or prevent the competent authority from dealing with government accommodation in accordance with law and the applicable policy.

8. Constitutional jurisdiction under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973 is available for enforcement of a legal right or redress of a legal injury. The petitioners have failed to demonstrate any right, title or lawful entitlement in respect of the quarters which could be enforced in constitutional jurisdiction. Their physical occupation, founded upon permission allegedly extended by the former allottees rather than an order of the competent authority, cannot be accorded judicial protection.

9. For the foregoing reasons, we find no ground warranting interference in the exercise of constitutional jurisdiction. Consequently, this petition, being devoid of merit, is dismissed in *limine*, along with the listed applications.

JUDGE

JUDGE
HEAD OF CONST. BENCHES

Ayaz Gul