

ORDER SHEET

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

C. P. No. D – 1253 of 2021

Date of hearing	Order with signature of Judge
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Hearing of case

For hearing of main case

21-04-2022

Mr. Jalal-ul-Din M. Akbar Chandio, Advocate for the Petitioner.
Mr. Amjad Hussain Leghari, Advocate for Respondent No.5.
Mr. Shahryar Imdad Awan, Assistant Advocate General Sindh.

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Through this Petition, the Petitioner has sought the following relief(s):

- a. *That this Honourable Court may graciously be pleased to declare the act and action of the respondent No: 05 to sublet the Flat No: G-04 in Block "B" of KMC Civil Hospital Khairpur to the respondent No: 06 is quite illegal & unlawful.*
- b. *That this Honourable Court may further be pleased to call issue appropriate directions to the respondents No: 02 to 04 to deliver the vacant possession of Flat No: G-4 in Block "B" of KMC Civil Hospital Khairpur to the petitioner from respondents No: 05 and 06; being legal & lawful allottee of the Flat.*
- c. *That it may further be pleased to direct the respondents No: 02 and 04 to take department action against the respondents No: 05 and 06 regarding non-compliance of the orders of their superiors.*
- d. *To award any other equitable relief, which this Honourable Court deems fit and proper under the circumstances of the case.*
- e. *To award costs of this petition.*

Notice was ordered and comments have been filed by the Medical Superintendent, KMC Civil Hospital, Khairpur (Respondent No.4), wherein Para-5 reads as under:

"It is fact that Ex-allottee subletted the in-questioned flat to Dr. Nadeem Shah Demonstrator KMC. At present Dr. Nadeem Shah is illegally occupying the said flat. And such letters were issued to illegal occupant to vacate the government in-questioned flat by the then Medical Superintendent vide his letter No: MS/KMC/HOUS: E-II(PF)/15911/914 dated 14-7-2021, NO: MS/KMC/HOUS: 16501/503 dated 28-07-2021 and 16703/05 dated 7-8-2021."

On perusal of the aforesaid comments and the documents annexed, it appears that Respondent No.5 is in illegal possession of the accommodation; whereas, vide letter dated 14-07-2021, his allotment, if

any, was already cancelled, but he has not vacated the premises. While confronted, Counsel for Respondent No.5 has argued that continuous rent has been deducted.

Be that as it may, since admittedly, Respondent No.5 is in illegal occupation of the premises, we while allowing the Petition, direct Respondent No.5 to vacate the premises within fifteen (15) days from today, failing which the concerned Medical Superintendent shall take appropriate coercive measures and support from the law enforcement agencies.

The Petition stands **allowed** in the above terms.

J U D G E

J U D G E

Abdul Basit