IN THE HIGH COURT OF SINDH, AT KARACHI

Present:

Ahmed Ali M. Shaikh, CJ Yousuf Ali Sayeed, J

C. P. No. D-746 of 2017

Mrs. Rifat Hanif and others Petitioners

Versus

Federation of Pakistan and others Respondents

CP No.D-997 of 2017

Muhammad Akram Khan and others Petitioners

Versus

Federation of Pakistan and others Respondents

21.12.2021

Mr. Matloob Hussain Qureshi, Advocate for the petitioner.

Mr. Khaleeq Ahmed, DAG

Mr. Abdul Jalil Zubedi, Assistant AG

ORDER

AHMED ALI M. SHAIKH, CJ.- Petitions in hand challenge the letter No.AC/CL/SOUTH/122/2017 Karachi dated 27.01.2017, issued by the Respondent Assistant Commissioner Civil Lines, Sub-Division South, Karachi, the Petitioners informing that the Ministry Communications, (Custodian of Enemy Property), Government of Pakistan has revised the monthly rent of Rs.600/800 of single and double quarters and Rs.8000/of Bungalows.

2. Briefly, facts as pleaded in the Petitions are that Petitioners are tenants of Respondent, Custodian of Enemy

Property for Pakistan, Ministry of Communications, Islamabad. The Respondent issued notices dated 03.10.2016 for vacation of the quarters concerned and enhancement of monthly rent from 15 to 20 per cent. The Petitioners as well as other occupants of the likewise tenements replied the said notice seeking withdrawal of the enhancement in rent but to no avail.

- 3. Learned counsel for the Petitioners that the impugned letters have been issued in sheer violation of the laws and without taking into consideration the prevailing market rent in the vicinity. He further submitted that the Respondent Ministry vide notice dated 08.12.2020 has further enhanced the rent upto 35%. He submitted that such unilateral enhancement is contrary to law.
- 4. Conversely, Mr. Khaleeq Ahmed, learned DAG submitted that the premises in question are situated in Civil Lines Area, one of the posh localities of Karachi and even if dissatisfied the Petitioners may vacate the premises in their occupation whereafter the Respondent will rent out the premises through open bidding to the highest bidders.
- 5. We have considered the contentions advanced by the learned counsel for the Petitioner, DAG and perused the record. It is the case of the Petitioners that they are paying monthly rent of the premises in their occupation at the rate of Rs.300/- and prayed that the Respondent Custodian of Enemy Property be directed to accept the existence rent of Rs.300/- for future. It seems that the impugned increase in the monthly rent has been made by the Respondent after taking into consideration the inflationary, economic conditions in the Country and prevailing rent in the vicinity, which rather shows that the Petitioners are tendering meager rent. Mere occupation of

the rented premises for a considerable long period provides no justification that the tenant should continue tenancy with old rent. The submission of the learned DAG that if the tenants are aggrieved and dissatisfied with the impugned increase in the monthly rent of the premises in their occupation, they may vacate the same and the Respondent would rent out the same through open bidding to the highest bidders, carries weight.

For the foregoing, we do not find any merit in the instant Petitions and dismiss the same with pending misc. applications.

Chief Justice

Judge