

# IN THE HIGH COURT OF SINDH AT KARACHI

Present:  
**Muhammad Junaid Ghaffar, J.**  
**Agha Faisal, J.**

C P D 2775 of 2022 : Imran Ahmed Solangi vs.  
Government of Sindh & Others

C P D 4111 of 2022 : Zahid vs. Province of Sindh & Others

For the Petitioners : Mr. Imtiaz Ali Solangi, Advocate  
(CP D 2775 of 2022)

Mr. Jamshed Qazi, Advocate  
(CP D 4111 of 2022)

For the Respondents : Mr. Ali Safdar Depar,  
Assistant Advocate General Sindh

Mr. Sami Naseem,  
Commissioner Office, Karachi

Date/s of hearing : 11.10.2022

Date of announcement : 11.10.2022

## ORDER

**Agha Faisal, J.** The petitioners, serving under the administrative control of the Deputy Commissioner South and Deputy Commissioner Malir, have filed these petitions assailing repeated notices issued thereto, for vacating the official accommodation under *unlawful* possession, pursuant to orders of the honorable Supreme Court dated 11.06.2020 in HRC no. 20746-K of 2018 and connected matters (“SC Order”). While the petitioners are posted in different districts, however, the grounds for assailing the respective notices are common *inter se*. These petitions were listed and heard jointly and shall be determined vide this common order.

2. Per petitioners’ counsel, the occupation of the respective premises could not be deemed unlawful as they remained in service and should be declared to be entitled to remain therein until retirement.

The learned Assistant Advocate General demonstrated that the pertinent accommodation was reserved solely for the staff of the Commissioner’s office<sup>1</sup> and the petitioners patently did not fall in the said category. The respective allotment letters were adverted to and it was shown that even otherwise the occupants were required to vacate the premises upon service of requisite notice, admittedly already done. It was argued that while

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<sup>1</sup> Per notice issued by the Office of the Commissioner Karachi dated 01.06.2016.

the petitioners may be entitled to seek accommodation under the administrative control of the respective deputy commissioners, however, their occupation of the accommodation under scrutiny was patently unlawful and ought not to be sustained by this Court.

3. Heard and perused.

4. It is manifest that the allotment of the respective premises to the petitioners has already been terminated and no subsisting rights of the petitioners in the respective accommodation could be demonstrated before us.

This Court had maintained in *Tariq Qasmi* that persons seeking to remain in occupation of government accommodation were required to demonstrate the subsistence of their rights and that writ jurisdiction could not be invoked to sustain occupation in the absence of any demonstrable right to be able to do so<sup>2</sup>. *Tariq Qasmi* was assailed before the honorable Supreme Court of Pakistan<sup>3</sup> and the august Court, while maintaining the decision under challenge, observed that since a large number of other Government employees are awaiting official accommodation, it is imperative that the same be vacated by those with no longer any subsisting rights in respect of such accommodation. *Mushir Alam J* illumined that official accommodation is public property provided on rent for a limited period and there ought to be no claim of hostile title or occupancy beyond entitlement in such regard.

5. It is observed that the SC Order has been relied upon by the respondents in order to bulwark their case against the petitioners. Our attention was solicited to order dated 21.12.2020 rendered by a Division Bench of this Court in CP D 6276 of 2020, whereby notice for vacating official premises in view of the SC Order, admittedly *pari materia* to the notices under scrutiny, was found to be *fully justified* and the petition was dismissed. No endeavor has been made by the petitioners' counsel to distinguish the said order and no case was made out before us to decide otherwise.

6. In view hereof, these petitions are found to be devoid of merit, therefore, the same, including pending applications, are hereby dismissed.

JUDGE  
JUDGE

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<sup>2</sup> *Muhammad Tariq Qasmi vs. Federation of Pakistan & Others* reported as 2019 PLC (C.S.) 594 ("Tariq Qasmi").

<sup>3</sup> *Pak Distressed Employees & Others vs. Federation of Pakistan & Others* (Civil Petition No. 893-K of 2018) and *Faqirullah vs. Director General Pakistan Public Works Department & Others* (Civil Petition No. 947-K of 2018); Judgment dated 30.08.2018.