

**IN THE HIGH COURT OF SINDH, AT KARACHI**

**PRESENT:-**

**MR. JUSTICE AQEEL AHMED ABBASI**

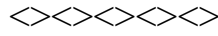
**MR. JUSTICE ABDUL MOBEEN LAKHO**

**C.P. No. D-4337 of 2023**

Applicant Ghulam Shabbir son of Wazir Ali  
through Mr. Maqbool-r-Rehman, Advocate.

Date of hearing 11.09.2023.

Date of order 11.09.2023.



**ORDER**

**Abdul Mobeen Lakho, J:-** Petitioner through the instant Constitutional Petition is, *inter alia*, seeking this Court's *Mandamus Writ* to set aside Legal Notices dated 23.08.2023 and the impugned Notice dated 30.08.2023, issued by the Director Administration, Karachi Water and Sewerage Corporation (**KW&SC**), alleging that the Petitioner is in illegal possession of Quarter No.G-1 (Old), situated at Pipri Staff Colony, KW&SC (**subject Quarter**), whereupon, he was also directed to vacate the subject Quarter within 7 days. The Petitioner has also sought the following relief through the instant Petition:-

- a) To set-aside the impugned Legal Notice dated 23-08-2023 and 30-08-2023 issued by the Respondent No.4 – Director Administration Water & Sewerage Board, Karachi
- b) To direct the Respondent Nos.3 and 4 to investigate the matter and to submit the proper/final report.
- c) To direct the Respondent Nos.3 and 4 not to harass to the petitioner and also not disposes from the house till disposal of this petition.
- d) Any other relief(s) which this Honourable Court may deems fit and proper accordingly.

2. The learned counsel for the petitioner, *inter alia*, contended that the Petitioner in the year 2016, received possession of subject Quarter from Muhammad @ Sheedo, an employee of KW&SC, by paying a sum of Rs.60,000/- as “Pagri” and Rs.1000/- per month also was fixed as rent, thereafter, title of the same quarter was transferred in the name of Respondent No.5 – Saddam Yameen and *lastly* title of the subject Quarter was transferred in the name of Respondent No.2 - Zaheer who fixed 3000/- as monthly rent which the petitioner has been paying since January 2023 despite having paid the Pagri amount also. It is further contended by learned counsel for the Petitioner that on 23.08.2023 the officials of KW&SC entered into subject Quarter forcibly, misbehaved with Petitioner’s family and also recorded video of family members, in respect of which, the Petitioner filed Criminal Petition No.2409/2023 before the Court of Vth Additional Sessions Judge Malir / Ex-Officio Justice of Peace, Malir Karachi, which was disposed of on the ground that the dispute between the parties was of civil nature, hence the instant petition.

4. Heard learned counsel for the parties and perused the material available on record.

5. Bizzare facts as emerging from the foregoing are that various private individuals having no connection with the KW&SC are not only occupying the subject Quarter (which admittedly is an official accommodation reserved for the employees of KW&SC), but have also created some sort of “title” in the said Quarter and trying to pass possession thereof through Sale Agreements, and Petitioner is latest addition to such claimants. As per his own admission, Agreement of Sale Agreement dated 12.10.2021 was executed between the Petitioner and Respondent No.5 for the subject Quarter, while it is an established position that Agreement to sell does not confer any title, *per se*, where in the instant case the Property undoubtedly stands as per record in the name of KW&SC. It is obvious from perusal of the impugned notice dated 30.08.2023 that the petitioner is not qualified to hold possession of the subject Quarter as the petitioner himself admitted in his memo of

petition was put into possession of subject quarter through a ***Sale Agreement***, from one Muhammad @ Sheedo, an employee of KW&SC, who in the first instance had no title to transfer the said Quarter, as he claims to have purchased it from one Zaheer not realizing that the Government accommodation is provided to Government servants for official purposes, and governed by rules and regulations set by the government or relevant authorities. These accommodations are intended for the use of only Government employees and their families while they are in service, but not for private person. Selling Government accommodation to another person is clearly illegal and a breach of the terms and conditions under which the accommodation is provided. If a Government servant no longer requires any accommodation, he has to vacate it to transfer the same to other eligible Government employee through official channels. Any unauthorized sale or transfer of government accommodation can result in disciplinary action or legal consequences for the government servant involved.

6. In view of the above, the instant petition is dismissed in *limine* vide short order dated 11.09.2023 in the following terms:

“For the reasons to be recorded later on, instant Constitution Petition is dismissed in *limine*. However, the petitioner will be at liberty to approach the relevant forum for redressal of his grievance, if any, available to him in accordance with law, whereas, respondents may adopt legal course for seeking eviction of the petitioner from subject house.”

JUDGE

JUDGE