

HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

C.P. No.D-2277 of 2025

[Allah Bachayo vs. Province of Sindh and others]

Before:

JUSTICE ADNAN-UL-KARIM MEMON

JUSTICE MUHAMMAD JAFFER RAZA

Petitioner:	In person
Respondents 1to3:	Mr. Rafique Ahmed Dahri Additional A.G Sindh a/w Executive Engineer Phuleli Canal Badin Division (Sajid Abbas Memon)
Respondents 4&5:	By Mr. Akhtar Ali Abro advocate a/w Assistant Executive Engineer Phuleli
Date of hearing	20.10.2026
Date of Decision	20.10.2026

O R D E R

ADNAN-UL-KARIM MEMON J:- Petitioner prayed for following relief:

- a. Restrain the respondents from vacating the petitioner's quarter without lawful justification, particularly when all rent and utility bills are regularly paid.
- b. Declare the undated impugned notice unlawful and direct the respondents to withdraw it and refrain from taking coercive action during pendency of this petition.
- c. Direct the respondents to cancel any allotment of the petitioner's quarter made to another person unlawfully and submit a compliance report before this Honourable Court.
- d. Grant any other relief deemed just and proper.

2. The petitioner, who appears in person, submits that he is Naib Qasid in Irrigation Department and was allotted Quarter No. D-16, Left Barrage Colony, Hyderabad, vide order dated 01.08.1996. He claims to have regularly paid rent and utility bills and challenges the undated notice directing vacation of the quarter, alleging that the respondents intend to allot it to a person of their choice. He seeks quashment of the notice, protection against eviction without lawful justification and cancellation of any subsequent allotment made in favour of a third party.

3. Learned AAG admits the petitioner's service and the original allotment but submits that the allotment was cancelled by the competent authority on 17.02.2012. He alleges that the petitioner misused the government accommodation by handing

over its possession to a private person, Muhammad Sabir, without authorization. He contends that payment of rent and utility bills does not confer any right after cancellation of the allotment and that the notice to vacate was lawfully issued to the unauthorized occupant. He further submit that the quarter has been re-allotted to Rahat Ali, a government servant, in accordance with the applicable policy. He, while denying any illegality, mala fide, or violation of fundamental rights, the respondents seek dismissal of the petition for being meritless and for concealment of material facts.

4. We have heard the petitioner, who appears in person, and learned AAG and perused the r record with their assistance.

5. The petitioner's original allotment of Quarter No. D-16, Left Barrage Colony, Hyderabad, is admitted; however, the respondents assert that the allotment was cancelled on 17.02.2012 on account of unauthorized transfer of possession to a third party and that the quarter was subsequently re-allotted to another government servant.

6. Mere payment of rent and utility bills does not, by itself, confer any subsisting right to retain government accommodation after lawful cancellation of allotment. Nevertheless, the allegations of unauthorized occupation and subletting of the official quarter require verification by the competent authority in accordance with the applicable rules and policy.

7. In view of the foregoing, the competent authority in the Irrigation Department is directed to scrutinize the matter, particularly the alleged unauthorized occupation and subletting of the government accommodation to a private person, verify the legality of the cancellation and subsequent re-allotment, and initiate appropriate proceedings against any person found responsible for violation of the applicable rules or policy, after affording due process of law. The district administration and relevant law-enforcement agencies shall extend necessary assistance to the competent authority in implementing the lawful action, whenever required. The exercise shall be completed within 60 days from receipt of this order, and a compliance report shall be submitted before this Court.

8. Subject to the above directions, the petition stands disposed of. No order as to costs.

JUDGE

JUDGE