HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

C.P. No.D-333 of 2016

[Syed Ghulam Akbar Shah & others Vs. VC University of Sindh & others]

Before:
Justice Adnan-Ul-Karim Memon
Justice Muhammad Jaffer Raza

Petitioner:	Through Mr. Aslam P. Sipio, Advocate.
Official Respondents:	Through Mr. Allah Bachayo Soomro, Additional Advocate General, Sindh, and Mr. Kamaluddin, Advocate.
Date of hearing	06.11.2026
Date of Order	06.11.2026

O R D E R

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ADNAN-UL-KARIM MEMON, J:- The petitioners, members of the Sindh University Employees Cooperative Housing Society, have filed this Constitutional Petition seeking allotment of residential plots on the ground that they were retired employees and were unlawfully excluded from the balloting process held on 15.01.2014, despite having obtained membership of the Society.

2. Learned counsel for the petitioners submits that the petitioners were not considered for allotment of plots following the grant of 300 acres of land to the Society.

3. Learned AAG and learned counsel for the respondent University submit that the Hon'ble Supreme Court, vide order dated 14.03.2017, restrained the Society from alienating the land in any manner, including leasing it out for housing schemes.

4. In rebuttal, learned counsel for the petitioners submits that the restraint order dated 14.03.2017 passed by the Hon'ble Supreme Court cannot prejudice the petitioners' legitimate claims, as their membership and entitlement arose much prior to the said order. He contends that the petitioners are not seeking alienation of the land in violation of the Supreme Court's directions; rather, they seek fair and non-discriminatory consideration of their claims for allotment in accordance with the Society's rules and applicable policy. He further submits that the respondents cannot deprive the petitioners of their legitimate rights merely on the ground of their retirement, particularly when they had already acquired membership of the Society.

5. We have heard learned counsel for the parties and perused the available record.

6. The controversy raised by the petitioners essentially relates to their entitlement to allotment of residential plots as members of the respondent-Society, which requires examination of the relevant membership record, applicable rules and allotment policy by the competent authority. Moreover, the restraint order passed by the Hon'ble Supreme Court on 14.03.2017, as referred to by learned counsel for the respondents, cannot be overlooked, nor can any direction for allotment be issued in disregard thereof. Any action concerning allotment or alienation of the land must strictly conform to the directions of the Hon'ble Supreme Court.

7. In these circumstances, without expressing any opinion on the merits of the petitioners' claim or their ultimate entitlement to allotment, this petition is disposed of with the direction that the petitioners may approach the competent authority of the respondent-University/Society for redressal of their grievance. Upon receipt of such representation, the competent authority shall examine the petitioners' membership status, eligibility and claim for allotment in the light of the applicable rules, policy and the order dated 14.03.2017 passed by the Hon'ble Supreme Court, and shall decide the same through a speaking order within three weeks, strictly in accordance with law, provided that such consideration or action is not prohibited by any subsisting order or restraint imposed by the Hon'ble Supreme Court. It is clarified that no allotment, transfer or alienation of land shall be made in violation of the said restraint order.

8. The petition stands disposed of in the above terms, with no order as to costs.

J U D G E

J U D G E

Irfan Ali