

**JUDGMENT SHEET**  
**IN THE ISLAMABAD HIGH COURT,**  
**ISLAMABAD**

**WRIT PETITION NO.2906 OF 2015**

Tasneem Fatima

VERSUS

Federation of Pakistan and 2 others.

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**DATE OF HEARING:**                    **01.09.2020.**

**PETITIONER BY:**                    **Mr. Jahangir Khan Jadoon,**  
**Advocate.**

**RESPONDENT NO.1 BY:**           **Ch. Muhammad Tahir Mahmood,**  
**AAG.**

**RESPONDENT NO.2 BY:**           **Mr. Babar Saeed Butt, Advocate.**

**RESPONDENT NO.3 BY:**           **Ch. Riasat Ali Gondal, Advocate.**

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**FIAZ AHMAD ANJUM JANDRAN, J.-** Through the instant writ petition, petitioner (Tasneem Fatima) has prayed for the following relief:-

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- 1) That the respondents may kindly be directed to restore the allotment of the plot to the petitioner.*
- 2) That the possession of the plot may be given to the petitioner without any further delay.*
- 3) That the order of the cancellation of the subject plot may kindly be declared without lawful authority and having no effects on the right of the petitioner.”*

2. Facts, relevant for the disposal of instant Writ Petition, are that the husband of the petitioner applied for the allotment of plot to the respondent No.2/National Police Foundation (“N.P.F.”) and pursuant to his application, plot No.101-A, measuring 500 Sq. Yards, Block-A, Sector O-9, Islamabad was allotted under membership No.1536, dated 04.07.1991; that her husband died in January 2007 and thereafter she approached the respondent No.2 for the

transfer of plot in her name, where she was informed that the allotment has been cancelled from the name of her spouse due to non-deposit of development charges; that after the demise of her husband, she shifted the house due to which no notice was served upon her and that the cancellation was made unilaterally, hence the instant writ petition.

3. Learned counsel for the petitioner contends that there is nothing mention in the terms and conditions of the allotment letter that the allotment could be cancelled on account of non-payment of development charges; that the petitioner did not receive any notice for payment of the dues and, therefore, the cancellation is liable to be set aside.

4. The learned counsel for the respondent No.2/N.P.F. questioned the maintainability of the instant writ petition and placed reliance upon the decisions passed in writ petition No.1629/2018, title "Muneer Hussain V. National Police Foundation through its Director General". Thereafter an ICA No.07/2018 title "Munir Hussain V. National Police Foundation through its Director General", writ petition No.3395/2013, title Residents Welfare Society and another V. National Police Foundation Housing Society and 2 others", ICA No.218/2015, title National Police Foundation and 2 others V. Sher Zaman and another and ICA No.17/2012, title "the Managing Director National Police Foundation and 2 others V. Ghazanfar Abbas Gillani and others."

On facts, it is asserted that the allotment was cancelled on account of default in payment of development charges; that the petitioner was repeatedly asked to get the amount refunded; that after cancellation, the subject plot was allotted to another individual, who further sold the same and that the Hon'ble Apex Court has already restrained the Foundation from allotment of plot to any private individual, therefore, petition is liable to be dismissed.

5. Heard the learned counsels for the parties and examined the record with their able assistance.

6. The National Police Foundation is a Charitable Organization/Trust, established under the Charitable Endowment Act, 1890, for the welfare of police personnel, serving, as well as retired, their families, widows and orphans. The Hon'ble Apex Court in case laws reported as PLD 2011 SC 132 and 2001 SCMR 1890 has graciously held that the Charitable Trusts are not amenable to the jurisdiction under Article 199 of the Constitution of Islamic Republic of Pakistan.

This Court in Writ Petition No.1629/2018 *"Muneer Hussain V. National Police Foundation through its Director General"* held that writ petition against the N.P.F is not maintainable. Against the said judgment, I.C.A No.07/2018 was preferred, which was dismissed on 16.01.2019 by affirming the view of the learned Single Judge-in-Chambers.

7. Earlier, same view was expressed by this Court in W.P No.3395/2013, ICA No.218/2015 and ICA No.17/2012.

7. In view of above, by following the dictums laid down by the Hon'ble Apex Court and by this Court, it is held that petition in terms of Article 199 of the Constitution is not maintainable against the N.P.F., being a Charitable Organization, established under the Charitable Endowment Act, 1890, therefore, there left no need to dilate upon merits of the case, as it may cause prejudice to the case of either side.

8. Consequently, the instant writ petition is dismissed being not maintainable. The petitioner, if so advised, may avail remedy before appropriate forum.

(FIAZ AHMAD ANJUM JANDRAN)  
JUDGE

\*A.R.Ansari\*

ANNOUNCED IN OPEN COURT ON           .09.2020.

JUDGE