

ORDER SHEET.

IN THE ISLAMABAD HIGH COURT, ISLAMABAD. **JUDICIAL DEPARTMENT.**

W.P No.3881/2019.

Muhammad Ilyas Bazmi etc.

Versus

Federation of Pakistan etc.

S. No. of order/ proceedings	Date of order/ Proceedings	Order with signature of Judge and that of parties or counsel where necessary.
-------------------------------------	-----------------------------------	--

01. **08.11.2019** **Mr. Zulfiqar Khalid Maluka, Advocate for the petitioners.**

Through this writ petition, the petitioner has prayed for following relief:-

“For what has been stated above, it is humbly prayed that this hon’able Court may graciously be pleased:

- i. It be declared that the allotment of Quarter No.4-D, Pak PWD Colony, Wahdat Road, Lahore, to the respondent No.4 [a NAB official] is an outright affront and violation of the judgment dated 14-02-2017, passed in W.P. No.4485 of 2016 of the hon’ble Islamabad High Court, Islamabad, & Memo of the Ministry of Housing & Works, Government of Pakistan i.e. “Declaration of Non-Entitled and Vacation of Government Accommodation” dated 15-03-2017, hence null and void ab initio.*
- ii. It be declared that the petitioners No.2 being a real son of the petitioner No.1 is eligible and entitled to allotment of Quarter No.4-D, Pak PWD Colony, Wahdat Road, Lahore, under Rule 15(2) (b) of Accommodation Allocation Rules-2002.*
- iii. As a consequential relief, it is prayed, that till the adjudication of main petition, respondents be restrained to dispossess the petitioners from Quarter No.4-D, Pak PWD Colony, Wahdat Road, Lahore.*
- iv. Any other relief deemed fit and proper be granted to the petitioners.”*

2. Learned counsel for the petitioner contends that quarter No.4-D, Pak PWD Colony, Wahdat Road, Lahore has been allotted to respondent No.4 is in violation of order passed in W.P No.4485/2016 on 14.02.2017 whereby NAB has been declared

as non-entitled department under Government Accommodation Allocation Rules-2002; that petitioner No.2 is entitled for the allotment of suit quarter in terms of rule 15(2)(b) of the Rules but the Estate Office has not extended the said benefit to him without any basis.

3. I have heard the argument and perused the record.

4. Perusal of the record reveals that the petitioners are simultaneously claiming two different reliefs, firstly, the petitioners on the basis of order dated 14.02.2017 passed by this Court in "writ petition No.4485/2016 titled Raja Raza Arshad and another vs. Federation of Pakistan & others", wherein it was held that NAB, FIA, PIPS and NADRA employees are not entitled to retain government accommodation being employees of non-entitled department and on the strength of the said order, the petitioners contends that respondent No.4/Mian Nadeem Ahmed was not entitled for allotment of the quarter No.4-D, Pak PWD Colony, Wahdat Road, Lahore, who was allotted with allotment letter dated 18.07.2019 by the Additional Estate Officer, Estate Office, Government of Pakistan, Lahore. The petitioners have been confronted regarding maintainability of instant writ petition, as the said quarter is situated in Lahore and this Court has got no territorial jurisdiction in terms of the guiding principles of section 16 CPC, whereby learned counsel for the petitioners contends that office of respondent No.2 is situated in Islamabad and as such this Court has territorial jurisdiction.

5. The record reflects that the quarter was allotted to respondent No.4 by Additional Estate Officer, Estate Office, Government of Pakistan, Lahore, giving cause of action to the petitioners to agitate the matter, however, in terms of Article 199 of the Constitution 1973, the writ prayed for by the petitioner

cannot be granted as subject matter is situated outside territorial jurisdiction of this Court, even competent authority referred in the allotment letter dated 18.07.2019 of respondent No.4 is Additional Estate Officer, Estate Office, Government of Pakistan, Lahore, therefore, question raised by the petitioners is not within jurisdiction of this Court. Furthermore, petitioner No.1 has filed application to the Additional Estate Officer, Estate Office, Government of Pakistan, Lahore for extension of his allotment to his son petitioner No.2. Another correspondence also reflects that petitioner No.2 is employee of Commissioner (HRM) Regional Tax Office, Jail Road, Faislabad, who is claiming allotment of the said quarter, therefore, the petitioners as well as subject quarter both are not within territorial jurisdiction of this Court and their competent authority to resolve the controversy is situated at Lahore. The instant writ petition is misconceived, therefore, the same stands *dismissed in limine.*

(MOHSIN AKHTAR KAYANI)
JUDGE

R.Anjam