

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

W.P. No.3819-2014

Ms. Fauzia Nasreen

Vs.

The Federation of Pakistan, Ministry of Housing & Works through its  
Secretary, Islamabad etc.

<b>S. No. of order/ proceedings</b>	<b>Date of order/ Proceedings</b>	<b>Order with signature of Judge and that of parties or counsel where necessary.</b>
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17.06.2019

Mr. Ahmad Hassan Rana, Mr. Masood Iqbal Khattak, Mian Shahid Iqbal, Mir Afzal Malik, Ms. Aamera Batool, Mr. Mudassar Iqbal, Sh. M. Khizar-ur-Rashid, Mr. Liaqat Ali Chaudhry, Mr. Muhammad Nasir Khan, Mr. M. Safdar Janjua, Advocates for petitioners in their respective petitions.

Mr. Muhammad Nazir Jawad, Mr. Amir Latif Gill, Mr. Muhammad Anwar Dar, Syed Masood Hussain, Advocates for respondents in their respective petitions.

Raja Khalid Mahmood Khan, DAG.

Faiz Umer Sial, A.D. (Legal), FGEHF.

This order shall decide instant writ petition as well as the petitions mentioned in the Schedule 'A' attached herewith, as common questions of law and facts, are involved.

2. The petitioners are allottees of plots in Sectors G-13 & G-14, Islamabad; the plots were allotted to them, in some cases, were even transferred, however, in the suo-moto proceedings initiated by the Hon'ble Supreme Court of Pakistan, the allotted plots were found to be not in accordance with lay-out plan and Federal Government Employees Housing Foundation (Foundation) was directed to do the needful. The Foundation cancelled the allotment/transfer of plots, hence the petitions were filed. In some cases, petitioners claim allotment in Sector D-12, instead of Sectors G-13

& G-14, Islamabad as per their entitlement. In W.P. No.3950-2015 and W.P. No.3949-2015, the Housing Foundation has challenged the findings of Wafaqi Mohtasib regarding allotment of plots and sought direction against CDA for allocation of land.

3. During course of proceedings, the Foundation offered to allot plots in alternate Sectors i.e. F-14 & F-15 or elsewhere and in this behalf, issued letters to the petitioners. In terms of letters issued, the alternate allotment in Sectors F-14 & F-15 is being offered on payment of Rs.1.5 million along with other development charges; it is stipulated in letter that in case of acceptance of terms and conditions, the installments are to be paid accordingly, however, in case of non-acceptance, the offer would stand revoked.

4. Learned counsel for the petitioners, *inter alia*, contended that at this stage, over and above charges cannot be demanded by the Foundation, as the petitioners have already paid relevant dues with respect to the plots allotted in Sectors G-13, G-14 & D-12, Islamabad.

5. Learned counsel for Federal Government Employees Housing Foundation contended that in similar facts and circumstances, the Hon'ble Supreme Court of Pakistan in Criminal Appeals No.389, 390 and 391 of 2017 passed orders, which authorize the Foundation to demand extra money and if same is not acceptable to the previous allottees, the principle amount shall be returned along with interest. Learned counsel for the Foundation requested that these petitions be disposed of in light of above observations. Learned counsel for the petitioners opposed the request of respondents for disposing of the

petitions and requested that the matter may be kept alive.

6. Arguments advanced by learned counsels for the parties have been heard.

7. The Federal Government Employees Housing Foundation has made offer for allotment of plots in Sectors F-14 & F-15, Islamabad to the petitioners on payment of extra cost of Rs.1.5 million initially and development charges. In case, the offer is acceptable to the allottee/transferee, due intimation is to be made to the Foundation along with payment, however, in case same is not acceptable, the petitioners are entitled to adequate compensation.

8. In similar facts and circumstances, the Hon'ble Supreme Court of Pakistan, vide order dated 09.05.2019, in case titled 'Waqas Ali Mehmood Vs. Muhammad Akram etc.' (Criminal Appeals No.389, 390 and 391 of 2017), with consent of the parties, disposed of the matter in the following terms:-

*"All the private respondents in these appeals have already been allotted plots in Sectors F-15, Islamabad in year 2017 and they are now to deposit the outstanding dues for such plots. It is acknowledged that most of the respondents in these appeals had deposited some amounts a long time ago even prior to allotment of plots in their favour which amounts now need to be adjusted towards the payment of dues for the plots allotted in their favour. It shall serve the interests of justice if the amounts already deposited by the respondents are adjusted along with the interest at the current bank rate accruing on such deposited amounts and the balance amounts, if any, may be demanded from the respondents towards the allotments in their favour".*

The terms, settled between the parties in the referred proceedings, are just, proper and equitable protecting all the sides, therefore,

instant petitions can also be disposed of on similar terms.

9. In view of referred facts and position, the above mentioned petitions are disposed of with the observation that the amounts, already paid by the petitioners, shall be adjusted towards allotment of new plots and the Foundation can demand the extra charges for allotment along with development charges according to payment plan. In case, referred offer is not acceptable to any allottee/transferee, the principle amount shall be returned along with interest at the current bank rate accruing on already paid amounts. Likewise petitioners, seeking allotment in Sector D-12, can be allotted plots in other Sectors on the above terms as no vacant plot exists in Sector D-12, Islamabad. W.P. No.3949-2015 and W.P. No.3950-2015 are also disposed of with observation that the parties shall adopt the above course notwithstanding the findings of any forum.

**(AAMER FAROOQ)**  
**JUDGE**

Zawar