

**JUDGMENT SHEET.**

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

**W.P No.1705/2019.**

**Salman Bader**                      **Vs.**                      **Estate Office through Estate Officer etc.**

Petitioner by:    Mr. Armaghan Saqib Khan, Advocate.

Respondents by:    Raja Muhammad Aftab Ahmed, AAG.  
Mohsin Pasha, Joint Estate Officer.

**C.M No.2311/2019**

**IN**

**W.P No.1705/2019.**

**Salman Badar**                      **Vs.**                      **Estate Office through Estate Officer etc.**

Applicant by:    Malik Javed Iqbal Wains, Advocate.

**W.P No.1851/2019.**

**Tahir Rashid**                      **Vs.**                      **Federation of Pakistan through its  
Secretary, Ministry of Housing & Works  
etc.**

Petitioner by:    Mr. Afzaal Qadeer Satti, Advocate.

Respondents by:    Raja Muhammad Aftab Ahmed, AAG.  
Mohsin Pasha, Joint Estate Officer.

**Date of Decision:**    **02.07.2019.**

**MOHSIN AKHTAR KAYANI, J:-** Through this single judgment, I intend to decide the abovementioned two writ petitions and C.M, having similar question of law and facts.

2. In writ petition No.1705/2019, petitioner Salman Badar, who is Civil Judge-cum-Judicial Magistrate, Islamabad has prayed for issuance of direction to the respondents/Estate Office to issue allotment letter in respect of House No.252-E, Street No.60, Sector G-6/4, Islamabad (*hereinafter to be referred as disputed house*) in lieu of already allotted House No.66-E, Sector G-6/2, Islamabad as he wants to change the said house being situated in a very sensitive area.

3. In writ petition No.1851/2019, petitioner Tahir Rashid, who is Senior Protocol Officer in Supreme Court of Pakistan has prayed for issuance of direction to the respondents/Estate Office to issue allotment and handover the possession of

House No.252, Type-E, Sector G-6/4, Islamabad in lieu of allotment letter dated 08.09.2017.

4. In C.M No.2311/2019 in writ petition No.1705/2019, the applicant Dr. Kaukab Farooq, Additional Director, Intelligence and Investigation FBR seeks his impleadment as respondent in the writ petition with the claim that she applied for exchange of her allotted House No.6, Block 25 (New 4/6), F-6/4, Islamabad with House No.252-E, Street No.60, G-6/4, Islamabad under rule 4(4) of Accommodation Allocation Rules, 2002 and her request was approved by Ministry of Housing & Works, which was conveyed to Estate Officer but allotment letter could not be issued in her name due to injunctive order issued in writ petition No.1705/2019 qua the disputed house.

5. Notices were issued to the Estate Office and Ministry of Housing & Works, whereupon Joint Estate Officer put appearance on 01.07.2019 and stated that House No.252-E, Street No.60, Sector G-6/4, Islamabad is in possession of illegal occupant namely Razzaq, who was on deputation in Ministry of Housing & Works and presently he has been repatriated to his parent department in Government of KPK, therefore, this Court passed specific direction to the Joint Estate Officer to take over the possession of the disputed house.

6. Today, the Joint Estate Officer in attendance states that in compliance of order dated 01.07.2019, possession of the disputed house has been taken over from illegal occupant Razzaq, however, the illegal occupant is liable to pay the charges for the period, for which he remained in occupation of the disputed house.

7. The Joint Estate Officer has been confronted regarding allotment of the disputed house, whereupon he has conceded that the disputed house has not yet been allotted to any of the claimants Salman Badar, Tahir Rashid or Dr. Kaukab Farooq and the matter is yet to be decided by the competent authority of M/o Housing & Works.

8. During arguments, Ch. Muhammad Akram, Advocate has also put appearance on behalf of one Shabi Haider, who is Assistant Director, Inland Revenue and claims that he is allottee of the disputed house.

9. The joint Estate Officer contends that allotment of Shabi Haider was cancelled by the competent authority, even suit filed by him was also dismissed by competent Civil Court.

10. Perusal of the record reveals that both the petitioners and the applicants have not yet secured their allotment of the disputed house from the Estate Office and they are claiming allotment of the disputed house in exchange of already allotted house, which matter falls within domain of Ministry of Housing & Works and Estate Office under the Accommodation Allocation Rules, 2002 and this Court is not in position to decide question of allotment of the disputed house in exchange.

11. In view of above background, captioned writ petitions and the C.M stand disposed of with direction to the Secretary, Ministry of Housing & Works, Islamabad to give proper hearing to the petitioners Salman Badar, Tahir Rashid and applicant Dr. Kaukab Farooq and decide the question of allotment of disputed house i.e. House No.252-E, Street No.60, Sector G-6/4, Islamabad and hand over possession of the disputed house to the eligible/entitled person within 10 days and submit compliance report through the learned Registrar of this Court for perusal in Chamber.

12. Before parting with this judgment, it is imperative to issue direction to the Estate Officer, who shall initiate legal action against the illegal occupant of the disputed house in terms of Rules 11 and 25 of the Accommodation Allocation Rules, 2002. The Secretary, Ministry of Housing & Works may also issue recommendations to the parent department of Razzaq for initiation of disciplinary action against him for his illegal occupation of House No.252-E, Street No.60,G-6/4, Islamabad.

**(MOHSIN AKHTAR KAYANI)**  
**JUDGE**