

ORDER SHEET
IN THE ISLAMABAD HIGH COURT, ISLAMABAD
JUDICIAL DEPARTMENT

W.P. No.3128 of 2019
Asma Saeed
Versus
Federation of Pakistan through Secretary Works, Ministry of Housing
and Works and others

S. No. of order / proceedings	Date of order/ Proceedings	Order with signature of Judge and that of parties or counsel where necessary.
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25.02.2020	Ms. Asma Saeed/petitioner in person. Mr. Muhammad Nadeem Khan Khakwani, learend Assistant Attorney-General. Mr. Mohsin Pasha, Joint Estate Officer, Estate Office. Mr. Khalil Ahmed/respondent No.3 in person.
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The petitioner appeared in person and submitted that she had been allotted government accommodation (i.e. House No.173, Type-D, Street No.56, Sector G-6/4, Islamabad); and that the Estate Office was not performing its obligations by handing over possession of the government accommodation to the petitioner. She sought a direction to the Estate Office to evict the illegal occupant of the said government accommodation and handover possession of the same to her.

2. The learned Assistant Attorney-General submitted that Sumaira Khalil, daughter of Khalil Ahmad had filed suit for declaration, mandatory and permanent injunction before the learned Civil Court; that in the said suit, the plaintiff had prayed for the allotment of the said government accommodation to her; and that the said suit was decreed by the learned Civil Court, but in appeal, the decree was set-aside and the matter was remanded to the learned Civil Court.

3. The occupant of the said government accommodation has instituted a civil suit in which the petitioner as well as the Estate Office are

parties. In the said suit, the plaintiff is claiming to be in lawful possession of the said government accommodation. Since the learned Civil Court is already seized of a matter which is also the subject matter of the instant petition, it would not be appropriate for this Court to pass orders on the merits of the case. Cases pertaining to the allotment / possession of government accommodation have to be decided at the earliest. Therefore, it is expected that the learned Civil Court would decide the civil suit titled "Sumaira Khalil Vs. Ministry of Foreign Affairs, etc." at the earliest, and preferably within a period of one month from the date of the receipt of this order.

4. Disposed of in the above terms.

(MIANGUL HASSAN AURANGZEB)
JUDGE

Ahtesham*