

ORDER SHEET
IN THE ISLAMABAD HIGH COURT, ISLAMABAD
JUDICIAL DEPARTMENT

W.P. No.4176/2019

Abdul Basit Shabbir

Versus

Federation of Pakistan through Secretary Ministry of Housing & 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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24.02.2020

Mr. Abdul Basit Shabbir/petitioner in person.
Mr. Muhammad Nadeem Khan Khakwani,
learned Assistant Attorney-General.
Sheikh Azeem Shamas, Advocate for
respondent No.3.
Mr. M. Mohsin Pasha, Joint Estate Officer,
Estate Office.

Through the instant writ petition, petitioner, Abdul Basit Shabbir, is seeking a direction to respondent No.1 (Secretary, Ministry of Housing and Works) and respondent No.2 (Estate Office, Islamabad) to evict respondent No.3 (Muhammad Younis) from House No.586-B, G-7/3-1, Islamabad ("the government accommodation").

2. The petitioner appeared in person and submitted that he had been allotted the government accommodation; and that the Estate Office was not performing its obligations by handing over possession of the government accommodation to him. He sought a direction to the Estate Office to evict the illegal occupant of the said government accommodation and handover possession of the same to him.

3. Learned Assistant Attorney-General submitted that the allotment letter dated 21.09.2012 relied upon by respondent No.3 was issued under the signature of Mr. Muhammad Ayub, Joint Estate Officer who at that time was not posted in the

relevant Section-III; and that after a departmental inquiry, respondent No.3's allotment letter was found bogus/fake.

4. The controversy between the parties essentially hinges upon the genuineness or falsity of respondent No.3's allotment letter dated 21.09.2012. The said allotment letter is subject matter of the suit for declaration and permanent injunction filed by respondent No.3. Ascertaining the veracity of a document/allotment letter requires factual inquiry which is not permissible in the Constitutional jurisdiction of this Court.

5. Admittedly the petitioner is a party in the suit for declaration and permanent injunction filed by respondent No.3 and decision in the said suit is going to resolve all factual and legal aspects of the controversy. The said alternate remedy is efficacious.

6. 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 "Muhammad Younas Vs. Ministry of Housing & Works, etc." at the earliest, and preferably within a period of one month from the date of the receipt of this order.

7. Disposed of in the above terms.

(MIANGUL HASSAN AURANGZEB)
JUDGE