JUDGMENT SHEET

IN THE ISLAMABAD HIGH COURT, ISLAMABAD.
JUDICIAL DEPARTMENT.

W.P No.2654-2022

Ishtiaq Ahmed and others

Versus

Federal Government Employees Housing Authority and others.

Petitioners by:	Mr. Muhammad Saqib Bhatti, Syed Wasif Hussain Kazmi, Mr. Muhammad Hamza Malik and Mr. Abdul Basit Bhatti, Advocates.
Respondents by:	Mr. Absar Salaheen, State Counsel. Barrister Abdul Wahab Khan, Advocate for FGEHA.
Date of Decision:	17.10.2025.

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MOHSIN AKHTAR KAYANI J., Through the instant writ petition, the petitioners have prayed for issuance of directions to the respondents, particularly the Federal Government Employees Housing Authority (FGEHA), to include their names in the balloting process for allotment of plots and have also assailed the balloting process dated 14.04.2022.

2. Learned counsel for the petitioners contends that the petitioners are permanent residents of Mouza Jhangi Syedan, Islamabad, and that the respondent-Authority (FGEHA) acquired the houses as well as land of Mouza Jhangi Syedan and Pind Paracha, Islamabad, including the houses and land owned by the petitioners, through Award No.1(G-15)/BUP/2010-HF dated 17.01.2011. The said Award was announced in the year 2011 for the development of Sector G-

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15/3. It is further submitted that the most important feature of the said Award was that it was announced through consensus and private negotiation agreement between the affectees and the FGEHA. After the announcement of the Award, the built-up properties (BUPs) and houses were verified, and after completing all requisite formalities in the shape of various affidavits, the possession of BUPs was handed over to the Authority as per the laid-down criteria. These structures were demolished, and pursuant thereto, the agreed compensation was paid to the petitioners in accordance with the Award.

3. Subsequently, the petitioners filed applications for issuance of consent letters as a rehabilitation benefit. Upon such request, the respondent-authorities completed the verification process, assessed the BUP structures in Sector G-15/3, Islamabad, and issued provisional offer of allotment letters to the petitioners and their family members against each BUP. The details of the same are as under:

Sr No.	Name	BUP No.	Letter detail
1	Ishtiaq Ahmed/ Petitioner No.1	BUP No.7-N	File No.5/AFF-572/G-15-HA/142 dated 15-02-2022
2	Ishtiaq Ahmed/ Petitioner No.1	BUP No.9-N	File No.5/AFF-571/G-15-HA/145 dated 14-02-2022
3	Ishtiaq Ahmed/ Petitioner No.1	BUP No.10 N	File No.5/AFF-570/G-15-HA/155 dated 14-02-2022
4	Ishtiaq Ahmed/ Petitioner No.1	BUP No.11-N	File No.5/AFF-568/G-15-HA/154 dated 14-02-2022
5	Shahid Qaiser/ Petitioner No.2	BUP No.3-N	File No.5/AFP-566/G-15-HA/152 dated 14-02-2022
6	Shahid Qaiser/ Petitioner No.2	BUP No.1-N	File No.5/AFF-557/G-15-HA dated 15-02-2022
7	Ashfaq Ahmed/ Petitioner No.3	BUP No.86	File No.5/AFF-558/G-15-HA/141

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			dated 15-02-2022
8	Muhammad Umer	BUP No.83	File No.5/AFF-559/G-15-HA/149 dated 15-02-2022
9	Raja Asad Mehmood/Petitioner No.4	BUP No.65	File No.5/AFF-563/G-15-HA/151 dated 15-02-2022
10	Ch. Naseer ud Din Tahir/Affectees	BUP No.68	File No.5/AFF-574/G-15-HA/140 dated 15-02-2022
11	Zaheer ud Din/ Affectees	BUP No.17-N	File No.5/AFF-593/G-15-HA/178 dated 15-02-2022
12	Muhammad Danish Gull, and Muhammad Tashfeen Gull Affectees	BUP No.69	File No.5/AFF-567/G-15-HA/153 dated 14-02-2022
13	Ghazanfar Ali Khan/ Affectees.	BUP No.77	File No.5/AFF-560/G-15-HA/150 dated 14-02-2022
14	Waseem Ahmed/ Petitioner No.5	BUP NO.87	File No.5/AFF-569/G-15-HA/144 dated 15-02-2022

4. However, the names of the petitioners were not included in the balloting dated 14.04.2022 without any lawful justification. As a result, the petitioners filed the present writ petition.

5. During the pendency of this matter, the respondent-Authority issued cancellation letters of those provisional allotment letters which had earlier been issued through due process and verification, dated 14.02.2022 and 18.04.2023, on the sole ground that allotment of plots was made only to "old and genuine affectees" whose names had been recommended by the Affectees Committee of the area and endorsed by the Land Acquisition Collector (LAC), ICT. It was claimed that out of 235 affectees, only 131 were recommended as old and genuine, and therefore, the provisional offer letters issued to the petitioners were said to have been issued inadvertently and stood cancelled.

6. Learned counsel for the petitioners submits that the impugned cancellation letters were made part of this writ

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petition, and pursuant to order dated 26.09.2025, the Civil Miscellaneous Application for amendment was allowed, whereafter the cancellation letters were also challenged through amended prayers on additional grounds. It is further contended that the cancellation of provisional allotment letters was effected without affording any opportunity of hearing to the petitioners, nor was any show cause notice issued prior thereto. Hence, the action of the respondents is in violation of the principles of natural justice enshrined in Article 10-A of the Constitution of the Islamic Republic of Pakistan, 1973.

7. It is further contended that the provisional allotment letters were issued after due process of verification under the Award, and the names of the petitioners were included in the final list. Even compensation had been paid to them. No criterion has been explained on what basis the Affectees Committee concluded that the petitioners were not old and genuine affectees. It is argued that no rule, regulation, or procedure of the FGEHA defines the parameters on which such a committee can recommend or decline to recommend any affectee for BUP benefits.

8. The petitioners have also relied upon old judicial records and proceedings before the Civil Courts and High Court, demonstrating that they and their predecessors were long-standing residents of the area, thus qualifying as old and genuine affectees.

9. Conversely, learned counsel for the FGEHA submits that the Consent Award of Built-Up Properties relating to land

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acquired for rehabilitation of affectees of Sub-Sectors G-14/1, G-14/2, G-14/3, and G-15/3 was announced on 27.05.2010 by the LAC, ICT, Islamabad. It is argued that the rates of BUPs were mutually agreed between the Affectees Committee and FGEHA, and that the Committee was duly authorized to identify and recommend the "old and genuine" affectees. On the recommendation of that Committee, only 131 affectees were declared old and genuine, excluding the petitioners. Consequently, the provisional offer letters issued to the petitioners were cancelled/withdrawn through the impugned cancellation letters.

10. Arguments heard and record perused.

11. Perusal of the record reflects that the petitioners are primarily aggrieved by their non-inclusion in the balloting process conducted on 14.04.2022 for allotment of plots, despite being declared affectees under the BUP Award dated 17.01.2011, announced for the development of Sector G-15/3. The Award itself was the result of a consensual private negotiation and agreement between the affectees and the FGEHA.

12. During the pendency of this petition, the record shows that provisional allotment letters dated 14.02.2022 were issued to each petitioner. These letters reflect that each case had been duly assessed by the LAC, ICT, Islamabad at the time of acquisition, based upon survey reports and assessment sheets verified by the Committee members, revenue staff, FGEHA officials, Executive Engineer (PWD), Assistant Executive Engineer (PWD), Sub-Engineer (PWD),

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and the Chairman of PWD Members. It was verified that each BUP was owned by the respective petitioner, and pursuant thereto, compensation was paid, followed by issuance of provisional offer letters after demolition of their structures.

13. It is noteworthy that the respondent-Authority does not deny that the names of the petitioners were included in the Award list and that they were declared affectees who were duly compensated. Their provisional offer letters have also not been denied. However, the FGEHA relies upon the clause referred in Award stating that an Affectees Committee comprising six local representatives and three members of the Housing Foundation was constituted to determine eligibility for rehabilitation benefits in the following manner:

> *It was also decided in the above mentioned Award that material of BUP will be handed over to the Affectees of G-15/3 and 15% deduction will be made from the compensation as per cost of BUP. It was mentioned in the Award that only old & genuine affectees of G-15/3 will be rehabilitated in Sub-Sector G-15/3. Furthermore, it was decided that it will be the responsibility of Affectees Committee of G-15/3 to prepare the list of old & genuine Affectees of G-15/3. It was also decided that old & genuine affectees will be allotted plot size 25x50 against a dwelling unit irrespective of square footage and payment of plots will be charged by the Housing Foundation from its allottees will be deposited by the affectees in the account of Federal Government Employees Housing Foundation, as per present CDA rates of affectees. Payment will be made after demolishing of BUPs and affectees shall be deliver the physical possession of acquired land as well as BUP area at the time receiving of payment. The assessment will be made by Pak P.W.D. Assessment Committee.*

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14. This Committee was authorized to declare any person as an old and genuine affectee eligible for rehabilitation benefits. Out of 235 affectees, only 131 were declared old and genuine, and three additional persons were later added by order of the Federal Ombudsman.

15. When confronted, learned counsel for FGEHA was unable to demonstrate from any record, the rules, regulations, or yardstick used for determining who qualifies as an ***"old and genuine affectee."*** The expression old and genuine as used in the Award lacks any defined criterion. Therefore, the term must be construed in its ordinary dictionary sense implying that only genuine residents of the area (not outsiders or fictitious claimants) would be entitled to rehabilitation benefits.

16. The concept of *old and genuine affectees* requires a well-defined yardstick to be followed by the Committee or the Federal Government Employees Housing Authority (FGEHA) on the basis of following factors:

i. The name of the person must be included in the award as an affectee.
ii. The person must own some piece of land that has been acquired or is likely to be acquired by the Authority.
iii. The person must have been verified during the process of physical survey conducted by the Engineers or any technical firm engaged by the Authority.
iv. The Built-Up Property (BUP) must be verified through Google Satellite Earth imagery.
v. In case of any initial dispute regarding the non-resident status of a person, the following aspects must be verified and checked:

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a. CNIC/NADRA record.
b. Form-B/Municipal Corporation record.
c. Old voter lists issued by the Election Commission of Pakistan (ECP).
d. Any sale deed recorded by the Sub-Registrar.
e. Any mutation, revenue record, or Settlement record *(Shart Wajib-ul-Arz)*.
f. Any previous litigation record, including certified copies of judgments or decrees.
g. Khasra Girdawari.
h. Electricity or gas bills.
i. Any documentary proof issued by a competent authority of the Government of Pakistan having any connection with the BUP or acquired land.
j. Any photographic evidence of old construction.
k. Any newspaper article or other historical record.
l. Verification or certification given by the village Lumberdar, Headman, Chairman, Zakat Council, Nikah Registrar, etc.
m. Any judgment or decree previously passed the court or subsequently will be passed by a Court of law declaring the person to be an old and genuine affectee of any land or BUP.

17. The record further reveals that the entire Award was based upon consent and approval of the local Affectees Committee, yet the FGEHA Act, 2020, examined particularly under Section 10, does not contain any express bar on the appointment of such committees. However, no formal approval or notification of this Committee has been produced by the respondents nor appended to their written reply.

18. The petitioners, on the other hand, filed additional documents to demonstrate their status as old and genuine

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affectees. These include certified copies of judgments and decrees passed by Civil Courts, the Lahore High Court, and the Supreme Court of Pakistan, relating to Mouza Jhangi Syedan, establishing their ancestral ownership and possession of the acquired land based upon the following information of judicial record:

Civil Suit	***Title of the suit***	***Fate of the proceedings***
1008-A of 1975	• ***Suit for declaration and injunction*** • *Petitioner 1-3 father (Lal Khan s/o Karam Dad) was the defendant no. 59*	*The plaintiff instituted this suit against the partition proceedings in the village of Jhangi Syedan, based on allegations of fraud between revenue officials and the defendants, and the defendants are not co-sharers in possession of the suit land.* *i. Civil court dismissed the suit as the plaintiff failed to prove fraud and upheld the partition proceedings.* *ii. First appellate court upheld the view of the civil court and dismissed the appeal vide order dated 16-11-1981.* *iii. The second appeal also met the same fate and was dismissed in limine vide order dated 04-05-1982.* *iv. The Supreme Court in CPLA maintained the concurrent findings of the lower fora.* *Hence, as per the judicial record, the ancestors of petitioners Nos. 1 to 3 had land in possession in the village of Jhangi Sayyedan and were co-sharers of the land.*
Civil suit of 2005	***Suit for declaration and permanent injunction*** *Petitioner 1-3 father was*	*In this suit, petitioners 1-3 replaced their father, Lal Khan, s/o Karam Dad, as legal heirs. However, this suit was dismissed for non-prosecution.*

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	defendant no 4 in this suit	
Revenue record	***Record of right*** *(register haqdaran-e-zameen) indicating names of petitioners 1-3*	*They have attached the revenue record of the following years, which reflects their names in the record of rights since;* • *1978-79* • *2002-2003*
Nothing in favour of petitioners no 4 and 5 could be found in this old judicial record, which was submitted by the petitioners no 1-3 to prove their lineage and relation to Jhangi Syedan, that they have been original residents of this place.		

19. These records, being judicial and public documents, carry evidentiary value under Article 111 of the Qanun-e-Shahadat Order, 1984 and form an exception to the general rule of testifying them as held in ***PLD 2020 SC 749 (Manzoor Hussain (deceased) Vs. Misri Khan)***, ***PLD 2008 [Karachi] 480 (Shafi Muhammad Vs. The State and others)*** and substantiate the petitioners' claim as genuine affectees of the acquired area. Conversely, the FGEHA has failed to place on record a single document or justification to substantiate the exclusion of the petitioners from entitlement under the Award against BUPs.

20. When further confronted, the respondents could not show that any notice or opportunity of hearing was afforded to the petitioners before cancellation of their allotment, as required under the powers contained in the FGEHA Act, 2020. Thus, the cancellation/withdrawal of provisional allotment letters, without due process or show cause notice, violates the petitioners' constitutional protection under Article 10-A and is devoid of lawful authority.

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21. The second issue raised regarding allotment of plots for more than one dwelling unit is also addressed. It is observed that in several localities, multiple dwelling units exist in the name of single person, often rented out for income generation. There is no legal prohibition against recognizing such separate dwelling units for the purpose of allotment, provided their existence was duly verified during survey and assessment. Hence, the petitioners and similarly placed allottees are entitled to benefits accordingly coupled with the fact that the names of petitioners are duly mentioned in the Award list, compensation of land has been paid to them and provisional allotment letters against BUPs have duly been issued to the petitioners.

22. In view of the foregoing discussion, this writ petition stands **ALLOWED**. The cancellation/withdrawal of the petitioners' provisional allotment letters is hereby declared illegal, void, and without lawful authority, and the action of the respondents excluding the petitioners' names from the balloting held on 14.04.2022 is also declared unlawful and is hereby **SET-ASIDE**. The rights of the petitioners are accordingly protected, and they shall be entitled to the possession and confirmation of plots strictly in accordance with law. Consequently, all provisional allotments are hereby restored, and the respondent Authority is directed to include the names of the petitioners in the next balloting process. The respondent Authority shall conduct the said balloting within sixty (60) days under intimation to this Court.

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23. Before parting with this judgment, it is necessary to issue directions to the FGEHA, which shall frame regulations to define old and genuine affectees, along with clear criteria duly approved by the Authority. Such regulations may include any additional factors to be considered as determining parameters, duly supported by relevant law. Furthermore, the FGEHA shall also specify the eligibility and qualifications required for any member of the Committee responsible for declaring a person as an eligible, old, and genuine affectee of any area, land, or BUP. Similarly, the FGEHA shall also frame the TORs of any Committee in their orders before allowing the Committee to work in such matters. In addition to above, no right of appeal under FGEHA, Act, 2020 has been given against the findings of Affectees Committee, therefore, FGEHA may also address this aspect in their rules, regulations accordingly.

(MOHSIN AKHTAR KAYANI)
JUDGE

APPROVED FOR REPORTING.

RAMZAN

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