

## **IN THE HIGH COURT OF SINDH KARACHI**

CP No.D-220 of 2026

(*Khudai-Ram and another v. Province of Sindh and 03 others*)

## Before:

## Justice Muhammad Saleem Jessar

## Justice Nisar Ahmed Bhanbhro

1. For orders on office objection
2. For hearing of CMA No.933/2026
3. For hearing of main case

**Date of hearing and order: 21.01.2026**

Khawaja Saif-ul-Islam, Advocate for the Petitioners

Ms. Rubina Qadir, Deputy Prosecutor General

Mr. Abdul Jalil A. Zubedi, Assistant Advocate General a/w Hazim Bangwar, Assistant Commissioner, Sub-Division, Saddar, Karachi; Mumtaz Ali Soomro, Deputy Conservator Wildlife Karachi and Jamshed Mahar, Conservator Sindh Wildlife, Karachi.

## ORDER

**Nisar Ahmed Bhanbhro, J.** Through instant petition, the petitioners have sought directions against respondent Nos. 2 and 3 to de-seal Shop No. G-5 and Shop No. G-43, situated at Rambo Centre Birds Market and to restore all seized birds, cages, cash, and other articles. The petitioners have further prayed that the respondents be directed to ensure the welfare, proper care, and safety of the seized birds.

2. Learned counsel for the petitioners contended that the petitioners, along with more than fourteen other shopkeepers, have been openly and continuously carrying on a lawful business at the birds market for the last twelve to fifteen years, a right protected under Article 18 of the Constitution. It was asserted that the petitioners neither encroached upon any land nor violated any law or statutory provision. Learned counsel alleged that on 14-01-2026, between 6:00 a.m. and 11:00 a.m., certain officials of respondent

No.2, namely Wazirzada and Zafar, claiming to be Inspectors, along with several other officials, forcibly entered the birds market and without producing any lawful authority or written order, took possession of more than fifty shops, seized birds, cages, accessories, articles and cash, and unlawfully sealed the shops. It was contended that despite repeated requests, no notice, show-cause notice or order relating to the alleged encroachment was ever shown or served upon the petitioners or other shopkeepers. Learned counsel further alleged that the officials not only acted illegally but also misbehaved with and harassed the petitioners and other shopkeepers, and unlawfully took cash amounts of Rs.470,000/- from petitioner No.2 and Rs.250,000/- from petitioner No.1. Lastly, he prayed that the petition be allowed.

3. On the contrary, learned Assistant Advocate General submitted that under Section 21 of the Sindh Wildlife Protection Act, 2020, wildlife has been accorded statutory protection, while trade therein is regulated under Section 53 and the rules framed thereunder. It was contended that this Court, in C.P. No. 2609 of 2019, vide order dated 30-04-2019, particularly paragraph 08 thereof, has already settled the governing principles. According to learned AAG, the petitioners and their associates are involved in illegal wildlife trade, which warrants action strictly in accordance with the law and the directives of this Court. He submitted that the petitioners have been repeatedly apprised of the applicable laws and served with notices to comply with wildlife protection laws, but to no avail. It was further contended that petitioner No.2, while being involved in illegal wildlife trade at Empress Market, confronted law-enforcement officials and physically assaulted personnel of the Sindh Wildlife Protection Police, who were performing their lawful duties, resulting in registration of Criminal Case No. 06 of 2023 under the Sindh Wildlife Protection Laws, which is presently pending trial before the learned District and Sessions Court (South). Learned AAG pointed out that petitioner No.2 deliberately concealed the pendency of the said criminal proceedings and, therefore, has not approached this Court with clean hands. He further submitted that the illegal wildlife trade at Empress Market, Karachi, has drawn serious national and international attention, including coverage by electronic and print media, thereby placing the country in an embarrassing position before the global community. It was lastly contended that the petitioners and their associates are subjecting wildlife to cruelty, malnutrition, and improper housing under harsh climatic conditions and

that the instant petition has been filed with the sole object of perpetuating the illegal trade, hence, the same may be dismissed.

4. Heard learned counsel for the petitioners as well as learned Assistant Advocate General and perused the material available on record.

5. From perusal of the record it reveals that the petitioners claim a fundamental right to carry on lawful business under Article 18 of the Constitution and have alleged that the impugned action of sealing the shops and seizing the birds was taken without notice or lawful authority. On the other hand, the respondents assert that the action was taken strictly in exercise of statutory powers conferred under the Sindh Wildlife Protection Act, 2020, to curb illegal wildlife trade, which, according to them, has been repeatedly carried on by the petitioners despite prior warnings and legal notices. There is not denial assertion of the Petitioner that do business and trade was a guaranteed constitutional right, but the same was not absolute in nature and was fettered to any conditions or restrictions imposed under the law. The Petitioners are required to do business of selling birds through a valid license from the Wild Life Department as envisaged under Section 53 of the Act.

6. The Sindh Wild Life Protection Act 2020 was enacted to make provision for protection, conservation, preservation, sustainable use of wildlife for establishment, management and maintenance of protected areas in the Province of Sindh. The provisions of the Sindh Wildlife Protection Act, 2020 casts a statutory obligation upon the respondent officials of Wild Life Department to ensure the protection and humane treatment of wildlife, the Act prohibits trade of birds and animals. Section 21 of the Act being relevant provision of law reads as under:

**21. Protection of Wildlife:** (1) No person shall hunt, kill, trap and capture, or smuggle, possess and trade in wildlife such as mammals, birds, reptiles or parts thereof unless permitted.

(2) All wildlife of Sindh Province shall enjoy the protection under this Act; wildlife of other territory whenever found or brought in the Province of Sindh by trans-boundary migration or by human act shall also enjoy the protection under this Act, as provided under Fourth Schedule.

7. From the perusal of above provision of law it is crystal clear that a permission is required to engage in trade of wildlife that included birds and such trade without permission was an offence . When confronted, Learned Counsel for the Petitioner failed to place on record any material to say that Petitioners were doing bushiness of wildlife mammals and bird under valid permission from the competent authority. In such situations the provisions of law empowered the Wildlife Officer or any other law enforcement agency, as the case may be, to prevent the commission of any offence under the Act and may take cognizance of an offence and conduct search of any person, premises, vessel, vehicle, consignment containing wildlife, without obtaining order or warrant from a Magistrate, so as to satisfy himself whether or not an offence under this Act has been committed. The Respondent Wild Life Department conducted search of the premises operated by petitioners and found petitioners and other persons involved in the trade of birds and animals without valid permission, as such took possession birds and animals and sealed the shops. The action taken by the Respondents fell within the four corners of law, as such did not require interference.

7. At this stage, without looking into disputed questions of fact, including the legality of the alleged seizure, sealing of shops, or the veracity of allegations leveled by either side, which may require evidence and are more appropriately examined by the competent forum, it is evident that the welfare, safety, and protection of the seized birds and animal remains a matter of paramount concern. Accordingly, the controversy raised by the petitioners regarding the impugned action may be agitated before the appropriate legal forum, where the report has been filed by the Wildlife Department against the Petitioners.

8. Since the birds and Animals are seized by the Respondents on account of illicit trade by the Petitioners. Per report of the Deputy Conservator Wildlife Karachi that the animals and birds belonged to foreign origin and most of the seized birds and animals fell within "Protected Species", in the circumstances, the Respondents shall ensure that all seized birds are kept in safe and proper custody, with particular emphasis on foreign and exotic birds being housed in appropriate cages and under conditions conducive to their survival, health, and well-being. The respondents shall further ensure that no cruelty, neglect, or maltreatment is caused to the seized birds and that their welfare is maintained strictly in accordance with law and the rules framed thereunder. The Petitioners if intended to continue with the trade of

birds and animals they may approach the Respondent Wild-life Department for permission, it is expected that the request of the Petitioners if filed shall be considered in accordance with law. The de-sealing of shops order dated 19.01.2026 shall remain intact, however, Petitioners will not engage in illicit trade of birds and animals, in case Petitioners again attempt to do such business penal action under the provisions of Sindh Wildlife Protection Act 2020 shall immediately follow. Wildlife Department is further directed to ensure that illicit trade of wildlife and birds is curbed at all levels.

9. The Petition stands disposed of in above terms.

**JUDGE**

**JUDGE**

**HEAD OF CONST. BENHCES**

Nadir/PS\*

Approved for reporting