

## ORDER SHEET

IN THE HIGH COURT OF SINDH, KARACHI  
C.P. No.D-803 of 2026  
(Faisal Hameed v *Federation of Pakistan & others*)

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Date Order with signature of Judge

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Before:-

Mr. Justice Adnan-ul-Karim Memon

Mr. Justice Zulfiqar Ali Sangi

Date of hearing and order:- 16.02.2026

M/s. Ali Tahir & Muhammad Hashim advocates for the petitioners.

Mr. Raja Zeeshan advocate associate of

Mr. Iftikhar Ahmed advocate for Respondent No.6

Mr. Zaeem Hyder advocate for respondent No.3

Ms. Wahiha Mehdi, DAG

Mr. Abdul Jalil Zubedi, AAG.

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**ORDER**

**Adnan-ul-Karim Memon, J.** – The petitioner has filed the captioned Constitutional Petition under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, with the following prayer: -

- a) *That this Hon'ble Court may be pleased to declare that the sealing of the petitioner's office premises situated at 68-C, Third Floor, 13<sup>th</sup> Commercial Street, Phase II Extension, DHA, Karachi, is illegal unlawful, without jurisdiction, void ab initio, and of no legal effect, having been carried out without any authority of law and in violation of the Cantonments Act, 1924 and the fundamental rights of the petitioner;*
- b) *That this Hon'ble Court may further be pleased to declare that the sealing of the petitioner's showroom premises situated at Building No. 80/C, Ground floor, 13<sup>th</sup> Commercial Street, Phase II Extension, DHA, Karachi, is illegal, mala fide, arbitrary, and without lawful authority, and is therefore liable to be set aside forthwith;*
- c) *That this Hon'ble Court may graciously be pleased to direct Respondent No.3, through its officers and representatives, to immediately de-seal of the petitioner's office premises situated at 68-C, third floor, 13<sup>th</sup> Commercial Street, Phase II Extension, DHA, Karachi, and restore peaceful possession and use thereof to the petitioner without any hindrance or obstruction;*
- d) *That this Hon'ble Court may further be pleased to direct Respondent NO.3 to immediately de-seal the petitioner's showroom premises situated at Building No. 80/C, Ground Floor, 13<sup>th</sup> Commercial Street, Phase II Extension, DHA, Karachi, and allow the petitioner to resume lawful business activities therein forthwith;*
- e) *That this Hon'ble Court may be pleased to restrain the Respondents, their officers, subordinates, agents, and any person acting on their behalf from sealing, resealing, interfering with, or in any manner obstructing the lawful use, occupation, and operation of the petitioner's office premises in the future, except in accordance with due process of law;*
- f) *That this Hon'ble Court may further be pleased to restrain the Respondents, their officers, subordinates, agents, and any person acting on their behalf from sealing, resealing, or otherwise interfering with the petitioner's showroom premises or business operations therein, except strictly in accordance with law and after following mandatory legal requirements;*
- g) *That this Hon'ble Court may be pleased to declare that Respondent No.3 has no authority under the Cantonments Act, 1924, to seal any premises and that any such action undertaken without express statutory backing is unlawful, unconstitutional, and violative of Articles 4,9,18 and 23 of the Constitution of the Islamic Republic of Pakistan;*

- h) That this Hon'ble court may be pleased to hold that the involvement of police officials, including Respondent No.6 and officials of Defence Police Station, in the impugned sealing operation was illegal, excessive, disproportionate, and without lawful justification, and amounted to harassment and abuse of authority;*
- i) That this Hon'ble Court may please direct Respondent No.6 to refrain from interfering in the Petitioner's lawful business affairs and from misusing state machinery, police authorities, or municipal bodies to settle business disputes;*
- j) That this Hon'ble Court may be pleased to grant costs of the petition to the petitioner, including but not limited to legal costs, expenses incurred due to the unlawful sealing and loss suffered as a consequence of the forced closure of business operations;*
- k) Pending the final adjudication of this petition, this Hon'ble Court may graciously be pleased to grant interim relief by suspending the operation and effect of the impugned sealing action and directing immediate provisional desealing of the petitioner's office premises situated at 68-C, Third Floor, 13<sup>th</sup> Commercial Street, Phase II Extension, DHA, Karachi;*
- l) Pending the final adjudication of this petition, this Hon'ble Court may further be pleased to grant interim relief by directing immediate provisional desealing of the petitioner's showroom premises situated at Building No. 80/C, Ground floor, 13<sup>th</sup> Commercial Street, Phase II Extension, DHA Karachi, so that the petitioner may resume business activities and prevent irreparable loss;*
- m) Pending the final decision of this petition, this Hon'ble Court may be pleased to restrain the respondents from taking any coercive action, including sealing, raids, harassment, or interference of any nature against the petitioner, his family members, employees, or business associates;*
- n) That this Hon'ble Court may be pleased to pass any other order or direction deemed just, proper, and equitable in the facts and circumstances of the case, including such further interim or ancillary reliefs as may be necessary to secure the ends of justice.*

2. The case of the petitioner is that he is the sole proprietor of EY Enterprise, engaged in the business of importing and selling solar panels and allied equipment. It is contended that he is also the lawful owner of the office premises and tenant of the showroom situated at Phase-II Extension, DHA, Karachi, from where the said business is being operated. He submits that both premises were abruptly sealed by officials of Respondent No. 3 without prior notice, show cause, lawful authority, or due process of law, in collusion with Respondent No. 6, with whom the Petitioner has a pending commercial dispute. It is further contended that the impugned action was carried out with excessive police presence, in a coercive and intimidating manner, and in disregard of a prior protective order passed by this Court. He submitted that the aforesaid exercise undertaken by the officials of Respondent No. 3 in sealing the office premises and showroom of the Petitioner was carried out illegally, arbitrarily, and without informing the Petitioner, and in complete violation of due process of law as well as the settled principles of natural justice. He added that the impugned action, having been taken without issuance of any prior notice or show cause, is therefore liable to be declared as unlawful and of no legal effect.

3. Learned counsel for the petitioner argues that no provision under the Cantonments Act, 1924, authorizes sealing of commercial premises and, therefore, the impugned action is without jurisdiction, mala fide, and violative of the Petitioner's fundamental rights guaranteed under Articles 4, 9, 18, and 23 of the Constitution of the Islamic Republic of Pakistan. He prays that the sealing be declared unlawful and the Respondents be directed to forthwith de-seal the premises

and refrain from interfering with the Petitioner's lawful business operations. He prayed to allow this petition.

4. Conversely, the learned Assistant Attorney General (AAG), assisted by counsel for Respondent No. 3, submits that the Petition is not maintainable in constitutional jurisdiction as it involves disputed questions of fact. He contends that the Petitioner lacks locus standi and has suppressed material facts, particularly regarding the storage of lithium batteries in bulk quantity at the premises without requisite safeguards, posing a serious fire hazard in a densely populated commercial area. It is submitted that notices dated 26.01.2026 were duly issued but not complied with, and the impugned action was undertaken in discharge of statutory duties under the Cantonments Act, 1924, as part of a fire-safety drive. Accordingly, no illegality or infringement of any fundamental right is made out, and the Petition is liable to be dismissed.

5. In the above backdrop, after hearing the learned counsel for the parties and perusing the available record, it appears that the controversy primarily revolves around the alleged storage of lithium batteries and other potentially hazardous material at the subject premises situated in a residential/commercial locality.

6. A public authority may take coercive action, such as sealing commercial premises, only where such power is expressly conferred by law and exercised in accordance with the prescribed procedure; otherwise, it amounts to an arbitrary exercise of power in violation of Articles 4, 18, and 23 of the Constitution.

7. In the present case, the Petitioner alleges that the premises were sealed without prior notice, opportunity of hearing, or lawful justification, which are essential requirements of due process.

8. The Respondents' plea of a regulatory or fire-safety drive does not dispense with strict compliance of statutory authority under the Cantonments Act, 1924, and in the absence of such express power, the impugned action may be termed ultra vires. Moreover, the objection regarding the Petitioner's status on the municipal record raises disputed facts and does not justify bypassing mandatory legal procedure. While public safety is a legitimate concern, any action taken must be lawful, proportionate, and procedural, as arbitrary sealing cannot be sustained under the guise of public interest.

9. While the State functionaries are under a statutory obligation to ensure public safety and prevent any untoward incident arising out of the storage of inflammable or dangerous material, such regulatory measures must also conform to the requirements of due process of law.

10. At the same time, it cannot be overlooked that storage of hazardous or inflammable material, if any, within a residential area without requisite safeguards, may pose a serious risk to life and property. It is well settled that while exercising constitutional jurisdiction, a balance is to be struck between the enforcement of fundamental rights and the protection of public safety and interest.

11. Accordingly, this Petition is disposed of with the direction that the Petitioner shall adopt all necessary precautions to prevent any mishap and shall ensure that any hazardous, inflammable, dangerous, and/or explosive material, if stored at the subject premises, is forthwith removed from the residential area to a safe and authorized location in accordance with applicable safety regulations. Upon compliance with the aforesaid direction to the satisfaction of the official Respondents, the subject premises shall be de-sealed forthwith to enable the Petitioner to carry on lawful business activities strictly in accordance with law.

12. However, it is made clear that the official Respondents shall ensure that no such hazardous or dangerous material is stored within any residential area in future. In case any such inflammable material is found, the concerned authorities, in collaboration with the owner of the material, shall take immediate steps to have the same removed to a safe location so as to avert any untoward incident. The Inspector General of Police, Sindh, along with the local administration, shall also ensure that all necessary precautionary and preventive measures are undertaken in this regard to safeguard public life and property. This direction shall be strictly complied with by all concerned; failing which, appropriate proceedings shall be initiated against the delinquent officials in terms of Article 204 of the Constitution.

13. The Petition stands disposed of in the above terms.

Let a copy of this Order be communicated to all concerned through all available modes of service, including electronic means and WhatsApp, for immediate compliance.

JUDGE

JUDGE