

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C.P. No.D-5460 of 2025
(Long Route Bus Owners Association v Province of Sindh & others)

Date	Order with signature of Judge
	Mr. Justice Adnan-ul-Karim Memon Mr. Justice Abdul Mobeen Lakho

Date of hearing and order: 20.01.2026

Mr. Habib ur Rehman Khan Safi, Advocate for the petitioner
Ms. Mehreen Ibrahim, DAG.
SDPO Orangzaib, DSP Sohrab Goth, Inspector Gul Baig, SHO P.S. Shorab
Goth DSP Aslam Unnar, SDPO Traffic, Malir DSP M. Tufail DSP Legal
TRO, Karachi.

O R D E R

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. To declare that the impugned act and action of Respondents Nos. 5 to 8, whereby the offices of the Petitioner's members situated at Gulzar-e-Hijri, Karachi were sealed without due process of law and without providing any opportunity of hearing are illegal, without lawful authority of no legal effect and violative of the fundamental rights guaranteed under the Constitution of the Islamic Republic of Pakistan 1973.*
- b. Direct the respondents to immediately unseal and restore possession of the offices of the petitioner's members situated at Al-Asif Square Karachi and ensure that the petitioner's members are not harassed or restrained from carrying on their lawful business activities.*
- c. Restrain the Respondents, their agents, subordinates, or any person acting under their command, from taking any coercive, illegal or adverse action against the petitioner's members or their lawful businesses without due process of law.*
- d. Direct the Respondents to allow the petitioner's members to operate their long-route buses in accordance with their valid route permits issued by the competent Regional Transport Authority.*
- e. Declare that the petitioner's members are lawfully entitled to carry on their transport booking and related business from the offices located at the Karachi Bus Terminal, Al-Asif Square and that such activities to not constitute any encroachment or violation of law.*
- f. Grant any other relief deemed just and proper in the circumstances.*

2. The case of the Petitioner is that it is a Registered Association of Long-Route Bus Owners, comprising owners duly registered as its members. On 25-10-2025, Respondent No. 9 illegally sealed the offices of the Petitioner's members situated at Gulzar-e-Hijri / Al-Asif Square, Karachi, without issuance of any notice, order, or opportunity of hearing. Subsequently, on 27-10-2025,

FIRs Nos. 700/2025 and 702/2025 were registered against members of the Petitioner Association. The Petitioner's members hold valid route permits issued by the competent Regional Transport Authority authorizing operation of long-route bus services from Karachi to various destinations across Pakistan. The offices were lawfully established within the Karachi Bus Terminal, a privately operated terminal duly approved by relevant authorities, and are used solely for booking purposes. No public nuisance or encroachment exists. The offices have been functioning for several years with the knowledge and acquiescence of the **authorities**. The impugned sealing has caused serious financial loss and hardship to the Petitioner's members and the travelling public.

3. Learned counsel for the petitioner argued that the impugned actions of Respondents Nos. 5 to 9 are illegal, arbitrary, without lawful authority, and violative of Articles 4, 10-A, 18, 23, 24, and 25 of the Constitution. He submitted that the sealing of offices and registration of FIRs without notice, show-cause, or hearing is **void ab initio**, lacking jurisdiction and due process. He next submitted that the actions are mala fide, intended to harass lawful transport operators holding valid permits. He submitted that the closure of booking offices amounts to unlawful interference with the right to trade and business under Article 18. He emphasized that the allegations of encroachment or illegality are false, baseless, and unsupported by record. He added that the impugned acts violate settled law laid down in Muhammad Anwar and others v Mst. Ilyas Begum and others PLD 2013 SC 255, Government of Punjab through Secretary Schools Education Department and others v Tauqeer Mazhar Bukhari 2008 SCMR 1362 and Suo Motu Action regarding Eligibility of chairman and Members of Sindh Public Service commission Etc.: In the matter of 2017 SCMR 637, mandating due process prior to coercive action. He pointed out that the action is also contrary to the directions issued by this Hon'ble Court in CP No. 1249/2017 (**Faisal Bengali case**). He prayed to allow this petition.

4. Learned AAG submitted that the Deputy Commissioner, District East, Karachi imposed a ban on illegal transport activities being carried out in and around Al-Asif Square, Main Super Highway, Karachi, where certain transport companies had illegally established bus stands and offices on government land, causing traffic obstruction and public nuisance. He submitted that due to violation of the said ban and lawful orders, FIR No. 700/2025 under Sections 188/34 PPC and FIR No. 702/2025 under Sections

341/34 PPC were registered at Police Station Sohrab Goth on the complaints of officials of the Professional Transport Authority, Sindh. It is further submitted that the Petitioner, while operating illegal bus terminals in residential areas and on the main Super Highway, is attempting to protect unlawful transport activities through legal tactics by making baseless and unwarranted allegations against government officials. In view of the above submissions, he prayed to dismiss the petition.

5. Heard learned counsel for the Petitioner, learned AAG, and perused the available record.

6. The admitted position is that the Deputy Commissioner, District East, Karachi, in exercise of statutory powers, imposed a ban on illegal transport activities in and around Al-Asif Square, Main Super Highway, keeping in view traffic congestion, public nuisance, and unauthorized use of public land.

7. It is a settled principle of law that no person or association has any vested or proprietary right to use public land, roads, or spaces for private commercial gain, unless expressly permitted by law. Even possession for a long period does not ripen into a legal right against the State. Public places are held by the Government in trust for the general public, and their unauthorized commercial exploitation cannot be protected under constitutional jurisdiction. While the Petitioner's members may hold valid route permits, such permits do not confer any right to establish bus terminals, offices, or booking points on public land or in prohibited areas, nor do they override the regulatory powers of the District Administration to control traffic, encroachments, and public order. A route permit regulates movement of vehicles, not occupation of land.

8. The record reflects that the impugned action was taken pursuant to a general ban and enforcement drive, and FIRs were registered for violation of lawful orders and obstruction, attracting Sections 188 and 341 PPC. Such action, *prima facie*, cannot be termed *mala fide* or without jurisdiction. It is well settled law that Public land cannot be allowed to be occupied or used for private business, even if such use is long-standing encroachments and unauthorized commercial activities on roads and public places must be removed in the larger public interest, and courts should not perpetuate illegality.

9. No equity lies in favor of a person who seeks protection of an illegal act, and constitutional jurisdiction cannot be invoked to legitimize unlawful occupation.

10. The plea of violation of Articles 18 and 23 of the Constitution is misconceived, as the right to trade and business is subject to reasonable restrictions imposed by law in the interest of the public, including regulation of traffic, safety, and land use. Similarly, Article 10-A does not come to the aid of a party seeking continuation of an unlawful activity.

11. In these circumstances, this Court finds no illegality or arbitrariness in the action taken by the Deputy Commissioner and the enforcement **agencies**. Granting the relief sought would amount to permitting private commercial use of public **places**, which is impermissible under law. The Deputy Commissioner/Assistant Commissioner shall ensure that no public path/road shall be occupied by the owner of the private vehicle, they shall follow strictly route permits and well use their vehicle established/terminals by the government of Sindh. However, this direction shall not be ignored and by the official respondents including provincial/Regional Transport Authority. Let a copy of this order be communicated to all Deputy Commissioners/Assistant Commissioners and Provincial/Regional Transport Authority for compliance.

12. For the foregoing reasons, this petition is dismissed along with pending application(s). However, it is clarified that the Petitioner's members shall be at liberty to conduct their transport business only from lawfully approved and designated terminals or premises, strictly in accordance with law and applicable regulations.

JU DGE

JUDGE

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