

ORDER SHEET
IN THE HIGH COURT OF SINDH,
CIRCUIT COURT, HYDERABAD

C.P. No.D-1816 of 2025
C.P. No.D-75 of 2026

PRESENT:
MR. JUSTICE ARBAB ALI HAKRO
MR. JUSTICE RIAZAT ALI SAHAR

22.01.2026

Mr. Rehan Kayani advocate for petitioner in C.P. No.D-1816/2025.

Barrister Syed Ali Ahmed Zaidi advocate for petitioner in C.P. No.D-75 of 2026.

Mr. Muhammad Ismail Bhutto, A.A.G. Sindh.

M/s. Syed Shahzad Ali Shah and Altaf Hussain advocates for respondent No.4.

RIAZAT ALI SAHAR J: - Petitioner Town Municipal Corporation Gadap has filed Constitutional Petition No.D-1816 of 2025 against Respondent Town Municipal Corporation Ibrahim Hyderi; both entities being duly constituted under the Sindh Local Government Act, 2013. The dispute pertains to the authority to collect tax/fee on milching animals and other than milching animals, as well as the issuance of health clearance certificates. Separately, petitioners Atif Mehmood Zahid and others have instituted Constitutional Petition No.D-75 of 2026 against both Town Municipal Corporations, raising an identical controversy.

2. Today, learned counsel for Respondent No.4 in C.P. No. D-1816 of 2025 has placed on record a statement along with copies of orders dated 06.08.2025, 08.09.2025, 07.10.2025 and 21.10.2025 passed by this Court at the Principal Seat in C.P. No.D-3930 of 2025, filed by Town Municipal Corporation, Gadap against Town Municipal Corporation, Ibrahim Hyderi, involving the same subject matter. The said petition is still pending adjudication. It prima facie appears that multiple litigations between the same parties, relating to levy and collection of tax/fee on animals and issuance of health certificates, are

pending before this Court, giving rise to overlapping and recurring jurisdictional disputes.

3. This Court, vide order dated 08.10.2025, had taken notice of the contention that despite earlier judicial and administrative directions, Respondents No.2 to 4 (C.P. No.D-1816/2025) had allegedly established a tax collection checkpoint outside their territorial jurisdiction. Reference was made to the order dated 12.10.2023 passed in Suit No.1645/2023, whereby the Provincial Local Government Commission was directed to resolve the delimitation dispute between the Town Municipal Corporations. Pursuant thereto, the Commission passed an order dated 23.11.2023, permitting TMC Gadap to collect tax/fee on animals other than milching animals at its designated entry points, while restricting TMC Ibrahim Hyderi to collect fee only on milching animals entering its territorial limits and availing municipal services. Allegations were also noted regarding the establishment of a checkpoint on M-9 Motorway, District Jamshoro, despite subsisting status-quo orders and pending litigation.

4. In compliance with the order of this Court dated 08.10.2025, the Deputy Commissioner, Jamshoro, has submitted a report confirming that a tax/fee collection point has been established on M-9 Motorway near Bismillah Baloch Hotel, Nooriabad, which falls within the territorial jurisdiction of District Jamshoro. The report records that the said collection point is operated by a contractor acting under the authority of Town Municipal Corporation, Ibrahim Hyderi, Karachi. It further confirms, upon physical inspection conducted jointly with the Assistant Commissioner and the Deputy Superintendent of Police that the checkpoint was found operational and actively collecting tax/fee on milching animals and issuing health clearance certificates. The report categorically notes that TMC Ibrahim Hyderi lacks territorial jurisdiction in District Jamshoro and that the collection is *prima facie* unauthorized and unlawful.

5. The Deputy Commissioner, Jamshoro, has also addressed a detailed letter to the Additional Chief Secretary, Local Government Department, Government of Sindh, highlighting that a contractor of TMC Ibrahim Hyderi is illegally collecting tax/fee on milching animals

and issuing health clearance certificates at M-9 Motorway within District Jamshoro. The letter highlights that although the contract was awarded by TMC Ibrahim Hyderi, District Malir, the collection point lies outside its jurisdiction. It raises a fundamental jurisdictional question as to whether a Local Council can levy and collect taxes beyond its territorial limits and seeks authoritative clarification to prevent continued unauthorized recoveries.

6. It is hereby ordered that the **Provincial Local Government Commission** shall forthwith examine, ascertain and clarify the respective territorial jurisdictions of Town Municipal Corporation, Gadap and Town Municipal Corporation, Ibrahim Hyderi, and to determine the specific entry points/areas where each Corporation is lawfully entitled to levy and collect the subject tax/fee and issue health clearance certificates, in accordance with law, rules and policy after hearing both the parties and redress the grievance of both the T.M.As. The Commission shall submit its report/findings before this Court within one month from receipt of this order through Additional Registrar.

7. In view of para-3 of the order and report of Deputy Commissioner, Jamshoro dated 08.10.2025, as an interim measure, the Town Municipal Corporation, Ibrahim Hyderi, its officers, agents, contractors, or any person acting on its behalf are restrained from collecting any tax/fee on milching animals or other animals and from issuing health clearance certificates within the territorial jurisdiction of District Jamshoro, including at M-9 Motorway near Bismillah Baloch Hotel, Nooriabad, until further orders.

8. To come up after five (05) weeks.

9. Let a copy of this order be communicated to Provincial Local Government Commission through Chief Secretary, Government of Sindh, Karachi for compliance.

JUDGE

JUDGE