

ORDER SHEET

HIGH COURT OF SINDH, CIRCUIT COURT, MIRPURKHAS

Present:

Justice Arbab Ali Hakro

Justice Muhammad Hasan (Akber)

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| 1. | C.P No.D-112 of 2026 | Darya Khan v. Province of Sindh and others |
| 2. | C.P No.D-114 of 2026 | Khuda Bux v. Province of Sindh and others |
| 3. | C.P No.D-117 of 2026 | Allah Dino v. Province of Sindh and others |
| 4. | C.P No.D-118 of 2026 | Abdul Hakim v. Province of Sindh and others |
| 5. | C.P No.D-119 of 2026 | Nasrullah v. Province of Sindh and others |

Date of hearing: 18.02.2026

Date of Decision: 18.02.2026

M/s Mir Muhammad Nohri, Imdad Ali Kanhio, Dayal Das, Wishan
Das Kolhi, Advocates for the petitioners

Mr.Ayaz Ali Rajper, Assistant A.G Sindh

ORDER

ARBAB ALI HAKRO, J. Since all the aforementioned petitions raise an identical question of law and revolve around the same factual matrix, they are being decided through this consolidated order to avoid multiplicity of proceedings and to ensure uniformity in the adjudication of the issue involved.

2. The petitioners seek a writ of mandamus directing the official respondents to grant the requisite permissions enabling them to operate their respective hotels, restaurants, pakora shops, biryani shops, juice corners, or similar establishments during the holy month of Ramzan. Their grievance is that despite submitting applications before the competent authorities, no decision has been taken, thereby exposing them to harassment and possible penal consequences under the Ehtram- e- Ramzan Ordinance, 1981.

3. Learned Assistant Advocate General Sindh has placed on record comments/reports submitted by the concerned Senior Superintendent of Police as well as the Station House Officer. The same are taken on record. He submits that he has no objection if these petitions are disposed of by directing the respective Deputy Commissioners to decide the petitioners' applications strictly in accordance with law.

4. The issue raised in these petitions is not res integra. Various benches of this Court have already examined the matter in detail in earlier proceedings, notably the judgment dated 28.05.2018 passed in C.P. No.D- 1007 of 2018 and connected petitions, and the order dated 02.05.2019 passed in C.P. No.D- 709 of 2019 and others. In those matters, this Court held that it is not within its jurisdiction to determine the merits of individual applications seeking exemption under Section 5 of the Ehtram- e- Ramzan Ordinance, 1981. The competent authority to decide such applications is the Deputy Commissioner concerned, who is required to assess the nature and location of the establishment and determine whether it qualifies for exemption under the statutory framework.

5. In view of the settled legal position and the consensus of the parties, all the listed petitions are **disposed of**, with the direction that the applications of the petitioners, whether already pending before the concerned Deputy Commissioner(s) or to be filed pursuant to this order shall be decided within seven days of receipt of this order. The Deputy Commissioner(s) shall examine each case independently, afford the petitioners an opportunity of hearing and render a reasoned order in accordance with law and the principles laid down in the aforementioned judgments. The authority shall specifically determine whether the establishment in question is situated in a locality that qualifies for exemption under Section 5 of the Ehtram- e- Ramzan Ordinance, 1981.

6. All the petitions stand disposed of in the above terms.

Office is directed to transmit a copy of this order to the concerned Deputy Commissioner(s) for information and compliance.

JUDGE

JUDGE