

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

Constitutional Petition No. D-2578 of 2026
(*Shahid Hussain & another verses Government of Sindh & others*)

Date	Order with signature of Judge(s)
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Mr. Justice Adnan-ul-Karim Memon
Mr. Justice Muhammad Hasan (Akber)

1. For hearing of Misc. No.10390/2026
2. For hearing of main case

Date of hearing and order: 25.5.2026

Malik Altaf Hussain advocate for the petitioners
Syed Ali Ahmed Zaidi, Additional AG

ORDER

Adnan-ul-Karim Memon, J. Petitioners have filed this Constitutional Petition under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, seeking the following relief: -

- a) To hold and declare that the Impugned Order dated 02.04.2026, is illegal, unlawful, unconstitutional, mala fide, contrary to the mandate of Article 10-A of the Constitution of Pakistan, 1973, and consequently, to set aside the same.*
- b) To direct the Respondents to remove the illegal encroachment available in the amenity area of the Bachat Bazaar being conducted by the Petitioners.*
- c) Pending adjudication of the instant petition, the Operation of the Impugned Order be suspended, and the Respondents may also be restrained from dislodging the Petitioners and/or from granting permission to any other person.*

2. Learned counsel for the Petitioners submitted that the Petitioners are entitled to the protection of their fundamental rights guaranteed under the Constitution, including the right to be treated in accordance with law. He contended that the Petitioners have been lawfully organizing and operating the “Friday Bachat Bazaar” at Korangi since 1982 with the permission, approval and continuous acquiescence of the competent authorities. Over the years, various governmental and municipal authorities issued NOCs and permissions in favour of the Petitioners for the conduct of the Bazaar at Akbari Eidgah Ground, Korangi No. 5½, and the Petitioners consistently complied with all legal and regulatory requirements, including payment of prescribed fees and charges. Counsel argued that the Bazaar serves as a welfare-oriented initiative benefiting thousands of stall holders and residents by providing affordable commodities and livelihood opportunities. More than 300 stalls are operated therein, and closure of the Bazaar would adversely affect the source of income of thousands of families. It was

further submitted that despite the Petitioners' longstanding and uninterrupted operation of the Bazaar, the authorities repeatedly issued temporary permissions requiring periodic renewals and payment of fees. According to the Petitioners, such temporary permissions were extended from time to time, and the Petitioners regularly deposited the requisite challans and charges. Counsel maintained that the Petitioners were repeatedly compelled to seek renewals despite their established right to continue operating the Bazaar. Learned counsel further submitted that on previous occasions attempts were made to withdraw or cancel the permissions granted to the Petitioners; however, such actions were either withdrawn by the authorities themselves or set aside pursuant to judicial intervention. He contended that one Muhammad Muzamil, allegedly enjoying official patronage, obtained a temporary permission for a separate bazaar and instituted civil proceedings on the basis of misrepresentation. The Petitioners successfully contested those proceedings, resulting in rejection of the plaint by the learned Civil Court. Counsel stated that thereafter the Commissioner, Karachi, after considering the entire matter and taking into account the orders passed by the Civil Court, renewed and restored the Petitioners' permission vide order dated 30.03.2026, which was subsequently implemented by the Deputy Commissioner through letter dated 02.04.2026. Acting upon these permissions, the Petitioners resumed preparations and arrangements for conducting the Bazaar. However, it was argued that the Petitioners later came to know of a subsequent letter dated 02.04.2026 whereby the Commissioner abruptly withdrew/cancelled the permission earlier granted in their favour. Learned counsel contended that the impugned order was passed without issuance of any notice or affording the Petitioners an opportunity of hearing and, therefore, violated the principles of natural justice and due process guaranteed under Article 10-A of the Constitution. He further submitted that the impugned action also infringed Articles 18 and 25 of the Constitution, was arbitrary, mala fide, discriminatory and without lawful authority. Counsel maintained that by virtue of their uninterrupted operation of the Bazaar for over four decades, coupled with repeated permissions and official recognition, valuable and vested rights had accrued in favour of the Petitioners, which could not be taken away in such an arbitrary manner. He further submitted that the Respondents were likely to interfere with the Petitioners' lawful business activities and might dislodge them from the Bazaar or grant permission to third parties unless restrained by the Court. Lastly, learned counsel complained of illegal encroachments in and around the amenity areas surrounding the Bazaar, which obstruct access, parking facilities and smooth functioning of the market. He therefore prayed that the impugned cancellation order dated 02.04.2026 be declared illegal and set aside, the Respondents be directed to remove all illegal encroachments around the Bazaar, and interim protection be granted restraining the Respondents from interfering with the Petitioners' possession and operation of

the Friday Bachat Bazaar during the pendency of the petition. He prayed to allow this petition.

3. Learned AG submitted a statement on behalf of the Commissioner, Karachi Division, stating that the issuance of permissions/NOCs for Bachat Bazaars falls within the jurisdiction of the concerned Deputy Commissioner after completion of codal formalities and obtaining NOCs from relevant departments. It was further stated that the letter dated 30.03.2026 issued by the Commissioner's office was inadvertently issued and was subsequently withdrawn vide letter dated 02.04.2026. The Commissioner further informed that, pursuant to a report sought from the Deputy Commissioner, Korangi, the latter, vide letter dated 16.05.2026, expressed no objection to granting permission to the petitioners subject to the fulfilment of all codal requirements and procurement of NOCs from the concerned departments. Learned AAG reiterated that the Deputy Commissioner, Korangi, has no objection to the issuance of permission to the petitioners, provided all requisite formalities are completed, and the necessary NOCs are obtained from the relevant authorities.

4. Learned counsel for the petitioners, in view of the statement made on behalf of the Commissioner, Karachi Division, seeks disposal of the petition in those terms. Request seems to be reasonable.

5. We have heard the learned counsel for the parties and perused the record with their assistance on the subject issue.

6. Record reflects that the principal grievance of the Petitioners regarding the withdrawal of permission for holding the Friday Bachat Bazaar stands substantially redressed. The Commissioner, Karachi Division, has candidly acknowledged that the letter dated 30.03.2026 was inadvertently issued and subsequently withdrawn, while at the same time clarifying that the competent authority for issuance of permission/NOC is the concerned Deputy Commissioner. More importantly, the Deputy Commissioner, Korangi has unequivocally expressed no objection to the grant of permission to the Petitioners, subject to completion of the requisite codal formalities and procurement of NOCs from the concerned departments.

7. It is also an admitted position that the Petitioners have been organizing the Friday Bachat Bazaar for several decades and that the matter has remained under the consideration of various authorities from time to time. The record further reflects that the Petitioners have repeatedly been granted permissions/NOCs in the past, and there is presently no adverse finding on record disentitling them from seeking permission in accordance with law. Since the competent authority itself has expressed willingness to consider and grant permission upon fulfilment of

statutory requirements, no useful purpose would be served by keeping the present proceedings pending.

8. At the same time, it is settled law that no vested right can be claimed in respect of a regulatory permission which is subject to the fulfilment of legal requirements and public interest considerations. However, where an authority itself acknowledges that permission may be granted upon compliance with codal formalities, such discretion must be exercised fairly, transparently, and strictly in accordance with law, without discrimination and without being influenced by extraneous considerations. The Petitioners, therefore, are entitled to have their case considered objectively and expeditiously by the competent authority.

9. Accordingly, by consent of the parties, the instant petition is disposed of in terms of the statement made on behalf of the Commissioner, Karachi Division. The Petitioners shall be at liberty to approach the Deputy Commissioner, Korangi, along with all requisite documents for obtaining permission/NOCs.

10. Upon submission of the necessary documents and fulfilment of all codal formalities, the competent authority shall consider and decide the Petitioners' request strictly in accordance with law, rules, and policy, and without unnecessary delay. It is further expected that if the Petitioners satisfy all legal requirements and obtain the requisite clearances from the concerned departments, their case shall not be denied on arbitrary or extraneous grounds.

11. Needless to observe that any issue relating to encroachments, public access, traffic management, law and order, or use of the amenity area shall also be dealt with by the concerned authorities in accordance with law and within their respective jurisdictions.

12. The petition, along with all pending applications, stands disposed of in the above terms. However with no order as to costs. Let a copy of this order be communicated to all concerned for compliance in time.

JUDGE

JUDGE