

HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD

C.P No.D-846 of 2026

Present:

Justice Adnan Iqbal Chaudhry

Justice Rizat Ali Sahar

Petitioner : Ahmed Saeed Jan through M/s. Noor-ul-Haq Qureshi & Saad Salman Ghani, Advocates.

Respondent No.3 : Through Mr. Ayaz Hussain Tunio, Advocate.

Respondent No.6 : Through M/s. Atta Hussain Gaddi Pathan & Rehan Khan Gaddi Pathan, Advocates

Official Respondents : Mr. Rafique Ahmed Dahri, Addl. Advocate General, Sindh alongwith Dharmoon Bhawani Deputy Commissioner, Tando Muhammad Khan, Muhammad Yousif Assistant Commission Tando Muhammad Khan, Shakeel Ahmed Solangi DSP/SDPO Tando Ghulam Hyder on behalf of SSP Tando Muhammad Khan, Abdullah Buriro SDPO Tando Muhammad Khan and Inspector Naseem Nisar Memon, Focal Person Tando Muhammad Khan.

Date of order : 13.05.2026

ORDER

Adnan Iqbal Chaudhry J. - Petitioner is aggrieved of complaint dated 14.04.2026 made by the District Council, Tando Muhammad Khan (Respondents 3 and 4) to the Deputy Commissioner and Senior Superintendent of Police, Tando Muhammad Khan, calling upon them to stop the Petitioner from operating a cattle market (cattle *piri*/mall *piri*) within the limits of the District Council. Upon such complaint, the local administration and police was mobilized and the Petitioner was stopped from operating the cattle market.

2. Though the cattle market was being operated by the Petitioner on his private land (Survey Nos. 200 and 202, Deh Vesarki, Tando Saindad) and not on the land of the District Council, however, under clause 31 of Part-I, Schedule-III to the Sindh Local Government Act, 2013, it is the District Council which is competent to grant a permit to organize a cattle market. It was averred by the District Council in its complaint that the Petitioner has not

obtained the requisite permit nor paid the requisite fee for organizing the cattle market.

3. The Petitioner submits that he has been operating the cattle market for many years under a valid permit. He relies on a permit dated 30.08.1999 issued to his father by the erstwhile Administrator, Union Council, Tado Saindad under the provisions of the Sindh Local Government Ordinance, 1979. As pointed out by Mr. Noor-ul-Haq Qureshi, learned counsel for the Petitioner, that at the relevant time the Union Council was competent to grant such permit under clauses 23 and 24 of Part-III, Schedule-V of said Ordinance. He submits that such permit was never cancelled and was preserved by succeeding legislation including the Sindh Local Government Act, 2013. He further submits that the Chairman of the District Council is a political rival, hence the impugned action to cause loss to the Petitioner during peak season just before Eid-ul-Azha.

4. On the other hand, Mr. Ayaz Hussain Tunio, learned counsel for the Chief Officer, District Council, submits that permit dated 30.08.1999 relied upon by the Petitioner was granted to his father, who passed away in 2021; that the Petitioner never applied for a fresh permit nor paid the requisite fee to the District Council; therefore, the District Council was constrained to make the impugned complaint dated 14.04.2026 after the Petitioner failed to respond to earlier notices in that regard. The learned A.A.G. Sindh adds that like permits issued by local Councils are always time-bound and not indefinite; and that the Petitioner had acknowledged that the permit dated 30.08.1999 had expired when he participated in an auction held for rights to the same cattle market in 2009. However, we agree with Mr. Noor-ul-Haq Qureshi that the auction referred to by the A.A.G. Sindh was held by the District Council for awarding a contract to collect fee for permitting the cattle market, which is entirely different from the permit to organize the cattle market.

5. Adverting now to the permit dated 30.08.1999 relied upon by the Petitioner for operating the cattle market - admittedly, that permit was issued by the erstwhile Union Council to the Petitioner's father who passed away in the year 2021. It is pleaded by the Petitioner that said permit devolved onto him by inheritance. Respectfully, we disagree. The permit was a personal right granted to the Petitioner's father. Therefore, even if that permit was not for a limited duration, on the demise of the permit-holder, the permit stood revoked by

operation of law because it did not form part of the estate of the deceased permit-holder. There is no question of inheritance.

6. Learned counsel for the Petitioner then submits that the permit was a 'license' within the meaning of the Easements Act, 1882; and since the Petitioner's father had executed works of a permanent character under such license, it could not be revoked by virtue of section 60(b) of the Easements Act. Again, the argument is misconceived. The nature of licenses dealt by the Easements Act is defined in section 52 thereof, where the right granted is to do something in or upon the 'immovable property of the grantor'. Here, the owner of the immovable property was not the grantor/licensor but the licensee/permit-holder, and the permit was intended only to regulate market activity at such property.

7. Having said that, the matter does not end here. From the record it is apparent that since the demise of the permit-holder, the District Council was aware all along that it was Petitioner who was operating the cattle market year after year. Yet, the coercive action to stop the Petitioner was taken this year at a time when trading at the cattle market was at its peak in view of Eid-ul-Azha. This lends support to the Petitioner's allegation that such action is for extraneous reasons. We also cannot ignore the fact that stopping a long-standing cattle market just before Eid-ul-Azha will be against the public interest.

8. Given the circumstances of the case, we dispose of the petition with the following directions and observations:

- (i) Until 30.05.2026, the Respondents are restrained from interfering with and obstructing access to the cattle market operated by the Petitioner at his private land. The Senior Superintendent of Police, Tando Muhammad Khan shall insure compliance;
- (ii) After 30.05.2026, if the Petitioner continues with said cattle market, the District Council would be free to take action in accordance with law;
- (iii) This order does not prejudice any claim of the District Council for outstanding fee in respect of said cattle market under the Sindh Local Government Act. 2013.