

HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

C.P. No.D-1435 of 2026

[Kishan Chand vs. Province of Sindh and others]

Before:

JUSTICE ADNAN-UL-KARIM MEMON

JUSTICE MUHAMMAD JAFFER RAZA

Petitioner:	By Ms. Marvi Chandio, Advocate
Respondents	By Mr. Ayaz Ali Rajper, Assistant A.G Sindh
Date of hearing	15.10.2026
Date of Decision	15.10.2026

O R D E R

ADNAN-UL-KARIM MEMON J:- The petitioner, a licensed food-grain dealer operating under the name and style of M/s Raja Food Industries, Hyderabad, has filed this constitutional petition under Article 199 of the Constitution, seeking a declaration that the removal / taking away of his wheat stock by respondent Nos. 2 to 6 on 12.07.2026 was illegal, without lawful authority and jurisdiction.

2. The learned counsel for the petitioner submits that he holds a valid license under the West Pakistan Food Grains (Licensing Control) Order, 1956, valid up to December 2026, and had lawfully purchased and stored approximately 1,853.30 bags, 185,330 kilograms of cleaned and medicated wheat at his licensed premises; that the respondents removed / taken away the entire stock without notice, seizure order, inventory, or initiation of proceedings in accordance with law, and without suspending or cancelling his license; that the illegal action of the respondents has unlawfully deprived him of his property, disrupted his business and violated Articles 4, 23, 24 and 25 of the Constitution; that the wheat is of a distinct quality and commercial value and is supported by purchase documents and weighbridge slips. Accordingly, she seeks restoration of the wheat stock, or, in the alternative, compensation at the prevailing market value of equivalent cleaned and medicated wheat, production of the relevant official record, and preservation of the stock pending final disposal of the petition.

3. The learned AAG, assisted by the respondent No.4 / District Food Controller, submits that the petitioner's rice/paddy license No. 276 dated 08.10.2025 expired on 30.04.2026 and was not renewed within the prescribed period, whereas food-grain license No. 277 was subject to the conditions of the Licensing Control Order, 1957. He adds that the petitioner was required to maintain purchase and sale records and submit weekly stock reports to the District Food Controller but failed to comply. It is contended that, pursuant to secret information regarding wheat hoarding, the petitioner's premises were raided on 10.07.2026,

where approximately 190 metric tons of illegally stored wheat were seized and shifted to the nearest Government PRC godown in accordance with law and applicable policy. The learned AAG maintains that the action was lawful, that the Licensing Authority was empowered to seize the stock under the Licensing Control Order, 1957, and that no prior notice was required. It is further submitted that payment for the confiscated wheat will be made to the petitioner through a Part-A bill to be issued in due course. He prayed to dismiss the petition.

4. The learned counsel for the petitioner, in rebuttal, submits that the petitioner's wheat stock was seized without lawful justification and without affording him an opportunity of hearing. She contends that the expiry or non-renewal of rice/paddy license No. 276 does not, by itself, establish that the wheat stored at the petitioner's premises was illegally hoarded or liable to confiscation. She further submits that the respondents have failed to demonstrate any violation of the Licensing Control Order, 1957, warranting seizure of approximately 190 metric tons of wheat; that the respondents cannot justify the impugned action merely based on purported secret information, without establishing compliance with the applicable law and procedure; that the proposed issuance of Part-A bill at some future date does not cure the illegality of the seizure or adequately safeguard the petitioner's rights. She therefore prays that the impugned action be declared unlawful and that the respondents be directed to release the seized wheat or pay its lawful value forthwith.

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

6. The controversy is governed by the West Pakistan Food grains (Licensing Control) Order, 1957, read with the West Pakistan Foodstuffs (Control) Act, 1958, and Articles 4, 23, 24 and 25 of the Constitution.

7. Clause 7(i) of the West Pakistan Food grains (Licensing Control) Order, 1957, empowers the Licensing Authority, where a person is reported to hold food grains in excess of the prescribed normal quantity, to direct declaration and sale of the excess stock at the specified price and to the specified person or agency. If the holder fails to comply, the authority may seize and dispose of the excess stock in the manner provided by the clause.

8. We have been informed that the seizure of the petitioner's approximately 1,853.30 bags, equivalent to 185,330 kilograms of wheat, was undertaken by a competent authority in exercise of an express statutory power and upon establishing a violation of the applicable licensing conditions, stock limits or lawful directions. In this regard, clause 7(i) of the 1957 Order, as discussed supra, also provides a mechanism for requiring a holder of food grains exceeding the prescribed normal

quantity to declare and dispose of the excess stock in accordance with the Licensing Authority's directions, with seizure contemplated upon non-compliance with such directions. The statutory restrictions governing the storage of excess food grains and the consequences of contravention of the licensing regime. However, the seizure may not be based merely on conjecture or an apprehension of a possible violation which was/is unwarranted, and that penal seizure under the Order must be confined to surplus or unaccounted-for stock.

9. Accordingly, although the respondents rely upon secret information regarding wheat hoarding, the expiry of rice/paddy license No. 276 on 30.04.2026, and the failure to maintain records and submit weekly stock returns, those circumstances need to be examined by the competent authority against the petitioner's separate food-grain license No. 277, which is stated to be valid until December 2026, the applicable licensing conditions, and the actual stock and purchase documents. The expiry of the rice/paddy license does not, by itself, establish that wheat stored under a separate, subsisting food-grain license was unlawfully held. The respondents need to demonstrate the precise statutory provision invoked, the competent authority's jurisdiction, the nature of the alleged contravention, and compliance with the conditions governing seizure; a general assertion that the raid was conducted in accordance with law cannot substitute for that proof.

10. As regards the petitioner's objections concerning the absence of prior notice, hearing, seizure order and inventory, clause 11(b) of the 1957 Order empowers an Inspector to enter and search premises and seize food grains where there are reasons to believe that a contravention of the Order has been, is being, or is about to be committed; therefore, prior notice may not invariably be a prerequisite to a lawful search and seizure.

11. Nevertheless, the exercise of that power must remain within its statutory limits, and the entire stock cannot automatically be treated as liable to confiscation merely because some irregularity is suspected. The petitioner's purchase invoices, weighbridge slips, stock registers and evidence regarding the quality and quantity of cleaned and medicated wheat must accordingly be examined by the competent authority alongside the respondents' inspection report, inventory, seizure record and proof of any licensing violation.

12. Articles 23 and 24 of the Constitution protect the right to acquire and hold property and prohibit deprivation except in accordance with law, while Article 4 requires lawful treatment; consequently, the transfer of the stock to a Government PRC godown does not, by itself, establish a lawful forfeiture of ownership. Equally, the respondents' assurance that a Part-A bill will be issued in due course cannot

independently validate an otherwise unlawful seizure or justify indefinite withholding of the petitioner's property or its value.

13. In such circumstances, we deem it appropriate to observe that the seizure may be sustained only to the extent justified by the applicable statutory provisions and evidence of contravention; however, subject to proper scrutiny by the competent authority/Secretary, Food Department, Government of Sindh, and if the seizure officer fails to establish those requirements, the continued retention of the wheat would be without lawful justification. Therefore, the respondents should produce the complete relevant record and account for the quantity, condition and present location of the stock, before the competent authority, whereupon the competent authority may direct release of the identifiable wheat, or, if its return is no longer practicable because it has been consumed, disposed of or otherwise lost, determine the petitioner's entitlement to its lawful value based on reliable evidence and applicable law. Any compensation must be assessed on the established quantity and quality of the wheat rather than presumed merely from the petitioner's assertion. Thus, the competing claims of the parties should be resolved by the Secretary, Food Department, Government of Sindh, by examining statutory authority, actual non-compliance, the extent of any permissible seizure and the safeguards available to the petitioner, rather than accepting either the allegation of hoarding or the defence of lawful storage without verification. The aforesaid exercise shall be undertaken by the competent authority within three weeks; parties are set at liberty to file claim and counter claim before the competent authority to substantiate their point of view.

14. This petition stands disposed of in the aforesaid terms; meanwhile, the wheat stock shall be preserved till decision by the competent authority.

Let a copy of this order be communicated to the Secretary to Government of Sindh, Food Department, for compliance in time.

JUDGE

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