HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

C.P. No.D-991 of 2016

[Molana Khan Muhammad Jamali vs. Province of Sindh and others]

Before:

JUSTICE ADNAN-UL-KARIM MEMON
JUSTICE MUHAMMAD JAFFER RAZA

Petitioner:	Through Mr. Ghulam Sarwar Baloch advocate
Official respondents:	Through Mr. Rafique Ahmed Dahri Additional A.G Sindh and Mr. Nazar Muhammad Memon Additional Prosecutor General
Private respondent:	None present
Date of hearing	02.11.2026
Date of Decision	02.11.2026

O R D E R

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ADNAN-UL-KARIM MEMON J The petitioner, Ameer of Jamiat-ul-Ulama-e-Islam, District Badin and resident of Talhar, has filed the instant Constitutional Petition seeking cancellation of transport permit dated 28.04.2016 issued in favour of respondent No.10 for shifting a liquor shop from Karachi to Talhar, District Badin, and restraining the authorities from permitting the establishment of any liquor shop in Talhar.

2. Learned counsel for the petitioner submits that Talhar is a small town predominantly inhabited by Muslims, where the proposed liquor shop, situated near Noorani Masjid, would adversely affect the religious sentiments and social environment of the residents; that an existing licensed liquor shop is already functioning in Badin, approximately 10–15 kilometres away, which is sufficient to cater to the needs of non-Muslim population; that the permit was issued in collusion with the concerned authorities without properly considering public objections and despite protests by local residents and social organizations; that the authorities have failed to prevent the illicit sale of liquor to Muslims and unlicensed persons, thereby creating serious social, law-and-order concerns.

3. Conversely, the respondents submit that the liquor license of M/s. Sea View Wine Shop, Karachi, was shifted to Talhar with the approval of the competent authority, i.e., the Chief Minister Sindh, after publication of notices inviting objections; that the petitioner failed to submit any objection within the prescribed seven-day period and that the Excise Officer, Badin, reported that no educational

or religious institution existed within 100 yards of the proposed premises. The respondents maintain that liquor is permitted to be sold exclusively to non-Muslim residents against production of CNIC and that the requisite formalities, including payment of shifting and amendment fees, were completed before issuance of transport permit dated 28.04.2016; that no wine shop had commenced operations in Talhar and, therefore, the petition was premature and based on apprehensions. However, they acknowledge that public protests and newspaper reports had raised concerns regarding the proposed establishment and that the matter could be reconsidered by the higher authorities in view of the report of Mukhtiarkar, the SHO, and objections of local residents, to avoid public resentment, law-and-order complications.

4. In view of the foregoing facts and the stance adopted by the respondents themselves, particularly their acknowledgment of public objections, protests and apprehended law-and-order complications, the matter requires reconsideration by the competent authorities in accordance with law.

5. Although the license was shifted after obtaining approval of the competent authority and completion of the prescribed formalities, such approval does not absolve the authorities from ensuring strict compliance with the applicable statutory provisions, including the relevant requirements of the Sindh Excise Manual regarding public objections and the suitability of the proposed premises. The fact that no liquor shop had commenced operations does not, by itself, render the petition devoid of substance, particularly when the transport permit had already been issued.

6. Accordingly, without expressing any opinion on the ultimate entitlement of respondent No.10 to operate the liquor shop, the competent authority is directed to reconsider the matter after providing an opportunity of hearing to the petitioner, respondent No.10 and other concerned stakeholders, and to pass a speaking order in accordance with law, keeping in view the applicable legal requirements, public objections and maintenance of law and order. Until such decision, the proposed liquor shop shall not commence operations.

JUDGE

JUDGE

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