HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

C.P. No.D-1633 of 2026
[Qurban Ali vs. Province of Sindh and Others]

Before:
JUSTICE ADNAN-UL-KARIM MEMON
JUSTICE MUHAMMAD JAFFER RAZA

Petitioner:	Through Mr. Hamedullah Dahri, Advocate
Respondents:	Through Mr. Wali Muhammad Jamari, Assistant A.G Sindh
Date of hearing	06.11.2026
Date of Decision	06.11.2026

O R D E R
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ADNAN-UL-KARIM MEMON J The petitioner, an agriculturist and owner of two registered Atta Chakkies in Tehsil Hala, District Matiari, has filed this Constitutional Petition challenging the alleged illegal seizure of approximately 200 bags of wheat from his private premises on 17.08.2026 by respondents 3 & 4.

2. Learned counsel for the petitioner contends that the wheat was lawfully stored for household consumption, agricultural purposes, including seeds for the next crop, and for use in his registered flour mills, which were duly authorized by the Municipal Committee; that the respondents entered his premises and seized the wheat without any search warrant, prior notice, show-cause notice, lawful authority, or preparation of an inventory/receipt; that despite issuance of legal notice and submission of an application seeking return of the seized wheat, no action has been taken. He, therefore, seeks declaration that the seizure was illegal and unauthorized, release of the wheat or compensation at the prevailing market rate, and restraint against further coercive action without due process of law.

3. The learned Assistant Advocate General without filing comments, opposed the petition and submits that the seizure of wheat was carried out by the concerned officials in discharge of their lawful duties and in accordance with the applicable government policy and instructions regulating the storage, movement and distribution of wheat; that the petitioner has not placed on record any reliable material establishing that the seized wheat was exclusively meant for household consumption, agricultural purposes or use in his flour mills; that the petitioner's ownership of registered Atta Chakkies does not, by itself, confer an unrestricted right to store wheat in disregard of the applicable regulatory requirements. The

A.A.G maintains that the officials acted in the public interest to prevent unauthorized storage and possible hoarding, and that the allegations of unlawful entry, absence of authority and non-preparation of an inventory are disputed questions requiring examination of the relevant official record. He, therefore, seeks dismissal of the petition, being devoid of merit.

4. We have heard learned counsel for the petitioner and learned Additional Advocate General and have examined the available record.

5. The controversy essentially concerns the legality of the seizure of approximately 200 bags of wheat from the petitioner's private premises on 17.08.2026. While the Food Department/competent authority is empowered to regulate the storage, movement and distribution of wheat in the public interest and to prevent hoarding and unauthorized accumulation, such powers must necessarily be exercised strictly in accordance with the applicable law and prescribed procedure.

6. The mere assertion that the action was taken to prevent hoarding cannot, by itself, justify the seizure of private property without demonstrating the lawful authority under which such action was undertaken.

7. The petitioner claims to be an agriculturist and owner of two registered Atta Chakkies and asserts that the wheat was stored for legitimate agricultural, domestic and commercial purposes. Conversely, the official respondents have justified the seizure by referring to government policy and regulatory requirements. However, no specific statutory provision, notification, order or other legal instrument authorizing the seizure, nor any contemporaneous record evidencing compliance with the prescribed procedure, has been identified in the submissions placed before the Court. Similarly, the petitioner's claim regarding the lawful purpose and ownership of the seized wheat requires verification by the competent authority from the relevant record.

8. In these circumstances, the decisive question is not whether the Government may regulate the storage of wheat, but whether the respondents exercised that power within the limits prescribed by law. Any interference with a citizen's property must have lawful authority and must satisfy the requirements of due process under Articles 4 and 24 of the Constitution. An administrative action founded merely upon general policy or apprehension of hoarding, without establishing the requisite legal authority and procedural compliance, cannot be sustained.

9. Consequently, the competent authority of the respondents is directed to ensure production of the relevant seizure record, including the notification authorizing the action, the reasons recorded for seizure, the inventory or seizure

memo, and the proceedings, if any, initiated thereafter. The competent authority shall also examine the petitioner's claim regarding ownership and intended use of the wheat and pass a speaking order, in accordance with law, within three weeks from receipt of this order after hearing all concerned. In the event the seizure is found unsupported by lawful authority, the wheat shall be released forthwith to the petitioner; if the wheat has been disposed of or is no longer available, the competent authority shall determine the petitioner's entitlement to compensation in accordance with law. The aforesaid exercise shall be undertaken within three weeks.

10. The petition is disposed of in the above terms, without expressing any opinion on the disputed questions of fact or the petitioner's ultimate entitlement to the seized wheat or compensation.

JUDGE

JUDGE

Karar_Hussain/PS*