



patronage. It is further submitted that the respondents have unlawfully encroached upon the petitioners' land, constructed boundary walls, and restricted access, severely impairing their business operations. The selective sealing of the petitioners' offices, while allowing the private terminal to operate, reflects clear discrimination and abuse of authority. Learned counsel maintains that the impugned actions violate the petitioners' fundamental rights under Articles 4, 9, 18, and 25 of the Constitution, including the right to lawful business, livelihood, due process, and equality before law. The complete closure of the petitioners' business, without any legal justification, amounts to an unconstitutional deprivation rather than a reasonable restriction. It is lastly contended that the respondents' conduct, including failure to honor their own assurances and facilitating a private monopoly, is tainted with mala fides, lack of transparency, and abuse of power, warranting interference by this Court. He prayed to allow this petition.

3. Learned AAG, assisted by the counsel for the respondent No.1, at the outset raised preliminary objections to the maintainability of the instant petition, contending that the same is not competent under Article 199 of the Constitution as the petitioners seek protection of an illegal activity, operating bus stands and booking offices on public roads and service lanes. It is submitted that no vested or proprietary right exists in favour of the petitioners to use public land for private commercial purposes. It is argued that the controversy is no longer *res integra*, as an identical matter has already been adjudicated by this Court in CP No. D-5460/2025 (*Re-Long Route Bus Owners Association vs. Province of Sindh & others*), wherein similar claims were dismissed with categorical directions that long-route buses shall operate strictly from notified and approved terminals, and that no encroachment or commercial use of public roads is permissible. The present petition, therefore, is barred by the principle of *res judicata* and amounts to abuse of the process of law. Learned AAG further submits that the actions of the District Administration and law enforcement agencies were taken strictly in accordance with law, including the directions of the Supreme Court in Human Rights Case No. 6-K of 2007, which mandates removal of encroachments and illegal parking from public roads to ensure smooth traffic flow. The impugned crackdown was part of a lawful enforcement drive aimed at regulating traffic, eliminating congestion, and removing unauthorized commercial activities from public spaces. It is contended that under the Motor Vehicles Ordinance, 1965 and Motor Vehicles Rules, 1969, particularly Rules 242 and 255, transport vehicles are legally bound to operate from duly notified terminals situated outside city limits. The petitioners, in violation of these provisions, were operating unauthorized roadside bus stands, thereby justifying the sealing of their booking offices and restriction of their operations. The learned AAG emphatically denies allegations of malafide, discrimination, or collusion, submitting that the enforcement actions were uniform, policy-driven, and in the public interest. It is maintained that no fundamental right of the petitioners has been violated, as the right

to trade and business under Article 18 is subject to reasonable restrictions imposed by law in the interest of public safety, traffic management, and orderly urban development. It is lastly contended that the petitioners have an alternate statutory remedy under the Motor Vehicles Rules, 1969, and that the instant petition is frivolous, vexatious, and liable to be dismissed with costs.

4. Respondent No.5 has filed comments and submits that the Karachi Bus Terminal is a duly notified, fully functional and government-approved terminal established in accordance with law, providing all requisite facilities for transporters and passengers. It is submitted that the petitioners are attempting to avoid lawful terminal usage and associated charges by continuing illegal roadside operations, which cannot be permitted. Learned counsel submits that the petitioners are encroachers who have been unlawfully operating bus stands and booking offices on public roads along the Super Highway, particularly in and around Al-Asif Square, in violation of applicable law and regulatory framework. It is submitted that the Deputy Commissioner, District East Karachi, along with concerned law enforcement agencies, has acted strictly within lawful authority by initiating a ban and enforcement action against illegal transport activities, keeping in view traffic congestion, public nuisance, and unauthorized occupation of public land. It is further submitted that the issue in question has already been conclusively adjudicated by this Court in CP No. D-5460/2025, decided on 20.01.2026, wherein it was categorically held that no person or association has any vested or proprietary right to use public roads or spaces for private commercial gain unless expressly permitted by law. It is urged that this Court has already clarified that long possession or operation does not confer any legal right against the State, and that public land is held in trust for the general public and cannot be commercially exploited through encroachments. It is emphasized that route permits only regulate movement of vehicles and do not confer any right to establish bus stands, offices, or booking points on public land or in prohibited areas. The regulatory authority of the District Administration to remove encroachments and maintain public order remains fully intact and overriding. It is further submitted that the impugned actions were taken pursuant to a lawful enforcement drive, during which violations were also reported under Sections 188 and 341 PPC, thereby negating any allegation of mala fides or lack of jurisdiction. The law is well-settled that unauthorized occupation of public land for commercial purposes cannot be protected under constitutional jurisdiction, and courts ought not to perpetuate illegality. It is lastly submitted that no equity lies in favour of a party seeking protection of an unlawful act, and the constitutional jurisdiction of this Court cannot be invoked to legitimize encroachments already declared illegal. The present petition, being based on identical grounds as previously adjudicated in CP No. D-5460/2025, is therefore barred and not maintainable. They prayed to dismiss the petition.

5. Having heard the learned counsel for the parties and perused the record, this Court is of the considered view that the present petition is squarely covered by the earlier order passed by this Court in C.P. No. D-5460 of 2025 dated 20.01.2026, wherein identical controversy between the same class of transport operators and the same regulatory authorities was conclusively adjudicated.

6. In earlier round of litigation the petitioner No.2, filed a petition No. D-5460/2025 claiming to be a registered association of long-route bus owners, approached this Court under Article 199 of the Constitution seeking, inter alia, de-sealing of their offices situated at Gulzar-e-Hijri/Al-Asif Square, Karachi, and protection of their transport operations. They alleged that their booking offices were sealed without notice or due process, and that FIRs were also registered against them, despite their possession of valid route permits issued by the competent authority. Upon hearing the parties and examining the record, this Court vide order dated 20.1.2026 observed that the Deputy Commissioner had acted within statutory powers to curb illegal transport operations and encroachments on public land. This Court reaffirmed the settled principle that no person or association has any vested or proprietary right to use public roads or spaces for private commercial purposes unless expressly authorized by law. It was further held that long-standing occupation does not create any legal right against the State, and that public land is held in trust for the general public. This Court also clarified that route permits regulate the movement of vehicles only and do not confer any right to establish bus terminals, offices, or booking points on public land. It further held that regulatory authorities retain full jurisdiction to control traffic, remove encroachments, and maintain public order. This Court also noted that the impugned actions were part of a general enforcement drive, including registration of FIRs under relevant penal provisions, and therefore could not be termed mala fide or without jurisdiction. It was held that public land cannot be used for private commercial gain, and courts cannot extend constitutional protection to illegal occupation or encroachments. It was further observed that no equity lies in favour of a person seeking protection of an unlawful act, and constitutional jurisdiction cannot be invoked to legitimize illegality. The Court also held that the fundamental rights under Articles 18 and 23 are subject to reasonable restrictions imposed in the interest of public order, safety, and lawful regulation, and that Article 10-A does not apply to continuation of illegal activity. Accordingly, finding no illegality or arbitrariness in the actions of the authorities, this Court dismissed the petition. However, it was clarified that the petitioners would remain at liberty to operate their transport business only from lawfully approved and designated terminals in accordance with law and applicable regulations.

7. The foundational premise of the petitioners' case is that they possess a right to operate booking offices and bus stands from the Super Highway at Al-Asif Square. However, this assertion is legally unsustainable. It is now well-settled that no

individual or association can claim any vested or proprietary right to occupy or commercially exploit public roads, service lanes, or state land unless expressly authorized under law. Mere long-standing use or possession, even if alleged, does not crystallize into a legally enforceable right against the State. Public spaces are held by the State in trust for the general public, and any unauthorized commercial occupation thereof is per se impermissible.

8. The petitioners' reliance on alleged governmental assurances for establishment of a future bus terminal is equally misplaced. Even if such policy discussions or assurances are assumed, they cannot override statutory provisions or confer a continuing right to operate illegal roadside facilities. At best, such assertions fall within the domain of policy implementation, which is not enforceable in constitutional jurisdiction in the manner sought by the petitioners, particularly when statutory violations are evident.

9. The plea of violation of Articles 4, 9, 18, and 25 of the Constitution is also misconceived. The right to carry on business under Article 18 is expressly subject to reasonable restrictions imposed by law in the interest of public order, traffic regulation, and public safety. The actions complained of are not aimed at prohibiting lawful business activity, but rather at regulating the place and manner of such activity in accordance with law. The petitioners are not restrained from conducting transport business; they are only required to operate from duly notified and designated terminals, as mandated by the Motor Vehicles Ordinance, 1965 and Motor Vehicles Rules, 1969.

10. The allegations of mala fide, discrimination, and collusion with a private terminal operator are also unsupported by any tangible material. Mere assertions cannot displace the presumption of legality attached to actions taken by public functionaries in discharge of statutory obligations. The enforcement measures, including sealing and removal from public land, were part of a uniform regulatory drive undertaken to eliminate encroachments and ensure smooth traffic flow, and have already been judicially upheld in the earlier round of litigation.

11. Likewise, the contention that FIRs and enforcement actions were taken without due process is of no avail in cases involving admitted violations of statutory provisions and obstruction of public land. The requirement of prior notice cannot be invoked to perpetuate an illegality on public roads, particularly where the regulatory framework mandates immediate corrective action in the public interest.

12. The argument that Respondent No.5 is being unlawfully favored or a private monopoly is being created is also devoid of merit. The record reflects that the Karachi Bus Terminal is a notified facility operating under governmental authorization subject to law, and its existence does not curtail competition but merely

channels transport operations into a regulated framework. Regulatory preference for designated terminals over unauthorized roadside stands cannot be equated with monopoly or discrimination.

13. The doctrine of *res judicata* and judicial discipline further bars re-litigation of issues already decided *inter se* the same parties and on the same factual matrix in C.P. No. D-5460 of 2025. The petitioners, having already been directed to confine their operations to lawful terminals, cannot be permitted to re-agitate the same grievance under a different guise.

14. The contention that the petitioners are “registered owners” or lawful occupants of the subject premises and, therefore, immune from sealing, is legally misconceived and of no avail in the present circumstances. Even assuming any ownership or possessory rights, the same do not extend to permitting use of the premises for activities that are in clear violation of the Motor Vehicles Ordinance, 1965 and the Motor Vehicles Rules, 1969. The legality of *use* of premises is distinct from title or possession, and no right can be claimed to perpetuate an illegality. It is a settled principle that no equity or ownership right can be invoked to protect or continue an unlawful activity. Where premises are being used as unauthorized bus stands or booking offices in contravention of law and regulatory policy, the competent authorities are fully empowered to take preventive action, including sealing, to stop such misuse. Such action does not amount to dispossession of property rights but is a regulatory measure to enforce compliance with law. Mere long-standing use or alleged acquiescence does not legalize encroachment or unauthorized commercial activity. The doctrine of “no equity against statute” squarely applies, and constitutional jurisdiction cannot be invoked to protect illegality. The sealing has been carried out in exercise of statutory powers pursuant to a lawful enforcement drive and general ban on illegal transport operations, and is therefore preventive and regulatory in nature, not punitive deprivation of property. Finally, the issue stands already settled by this Court in C.P. No. D-5460 of 2025, wherein it has been held that route permits regulate vehicle movement only and do not confer any right to establish booking offices or bus stands at unauthorized locations. Accordingly, the plea based on ownership or possession is untenable and does not defeat the lawful authority of the respondents to remove unauthorized transport operations.

15. In view of the foregoing, this Court finds no illegality, infirmity, or jurisdictional defect in the impugned actions of the respondents. On the contrary, the actions are found to be fully justified, lawful, and taken in the larger public interest to curb encroachments, regulate traffic, and enforce statutory provisions.

16. Before parting with this one judgment, we may also observe that primarily roadside encroachments and improper parking are causing congestion and public

inconvenience, reflecting apathy on the part of the district administration. The Chief Secretary Sindh, DIG Traffics, and transport authorities are directed to immediately remove illegal roadside parking, failing which proceedings under Article 204 of the Constitution shall be initiated against the responsible officials upon report to this Court.

17. Resultantly, the instant petition, being devoid of merit and barred by earlier adjudication, is dismissed along with pending application(s). However, it is reiterated that the petitioners shall remain at liberty to conduct their transport business strictly from lawfully designated and approved terminals in accordance with law.

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