

HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD

C.P No.D-474 of 2025
[Amjad Ali vs. Province of Sindh and 08 others]

Before:

Justice Arbab Ali Hakro
Justice Riazat Ali Sahar

Petitioner by : Mrs. Razia Ali Zaman, Advocate

Respondents by : Mr. Muhammad Ismail Bhutto, Additional A.G Sindh a/w Secretary RTA (Saleem Memon), Inspector Muzaffar and Inspector Tahir Khanzada

Intervener by : Mr. Gulab Khan Qaimkhani advocate holds brief for Intervener's counsel

Date of Hearing : **15.01.2026**

Date of Decision : **15.01.2026**

JUDGMENT

ARBAB ALI HAKRO, J:- Through this constitutional petition, the petitioner seeks a direction restraining the official respondents from interfering with, disturbing or closing his transport booking office situated at Latifabad 6 $\frac{3}{4}$ near Nazeer Flyover, Hyderabad.

2. Learned counsel for the petitioner submits that the petitioner is a transporter by profession and has been operating A.C and Non-A.C van services under the name and style of Geo Awan A.C and Non-A.C Van Service pursuant to a permission letter dated 20.10.2009 issued by respondent No.3. It is stated that under the said permission, the petitioner plies his vehicles from the General Bus Stand located at Badin Stop via Auto Bhan Road, Latifabad, Gidu Chowk and Kotri to Karachi, under valid route permits. Counsel further submits that in the year 2012, the petitioner, to facilitate residents of the local area, established a transport booking office at Latifabad 6 $\frac{3}{4}$ near Nazeer Flyover under a permission letter dated 23.08.2012. However, the said booking office has been closed by the official respondents without any complaint from the general public. It is alleged that, despite informing the respondents of the permission under which the booking office was established, the respondents demanded illegal gratification and,

upon the petitioner's refusal, began creating hurdles to the smooth and lawful operation of his business and imposed unwarranted fines. She prays that the respondents be restrained from interfering in the petitioner's lawful business.

3. Conversely, learned Additional Advocate General, referring to the written statement filed on behalf of the DIGP Traffic, Hyderabad, submits that all pick and drop permissions had already been cancelled by respondent No.3 in the year 2024 in compliance with the order dated 26.09.2024 passed by the High Court at its principal seat in Karachi in Suit No.677 of 2024. He further submits that respondent No.3, in pursuance of orders passed by this Court in C.Ps No.D-1611, 2479 and 1495 of 2024, revoked all pick and drop permissions to ensure the smooth flow of traffic. It is argued that the petitioner is attempting to mislead the Court and that the petition is misconceived and not maintainable.

4. As regards the application filed by the intervener, it is noted that Mr. Abdul Hameed Bajwa, learned counsel for the applicant/intervener, is absent; however, his brief is held by Mr. Gulab Khan Qaimkhani, Advocate. We have examined the contents of CMA No.3992 of 2025, wherein the applicant/intervener, Muhammad Amir, seeks impleadment as a respondent on the ground that the petitioner presently holds no valid permission from the competent authority and is relying on an old permission that has been cancelled. It is asserted that the applicant/intervener has been granted permission and is operating transport services from Suit No.228, Unit No.2. It is further alleged that the petitioner has no locus standi and has deliberately not arrayed the applicant/intervener as a respondent despite being a necessary and proper party.

5. Arguments heard. Record perused. The matter before us, though presented as a grievance against alleged interference in the petitioner's business, in fact turns upon a broader statutory and regulatory framework that has undergone substantial restructuring. The petitioner seeks protection for a booking office situated within the urban limits of Latifabad, whereas the respondents contend that all such permissions, whether styled as pick-and-

drop, booking offices, or intercity stands, are cancelled by operation of law and pursuant to binding judicial directives. The record placed before us leaves little room for ambiguity.

7. The first document of significance is the order dated 26.11.2024 issued by the Deputy Commissioner/Chairman, District Regional Transport Authority, Hyderabad. Through this order, all intercity transport stands, pick-and-drop permissions, and similar operational facilities within the city limits of Hyderabad, Qasimabad, and Latifabad were cancelled with immediate effect. The order expressly records that it was issued in pursuance of the order dated 26.09.2024, passed by the High Court of Sindh at Karachi in Suit No.677 of 2024, as well as subsequent directions issued by the Secretary, Transport & Mass Transit Department. It further directs all law-enforcement agencies to remove such stands and ensure that no intercity vehicle halts within the city premises. This is a uniform, city-wide directive, not an action targeted at the petitioner.

8. The second material document is the communication dated 21.10.2024, issued by the Transport & Mass Transit Department, Government of Sindh. This communication records that the Department has amended the Motor Vehicles Rules, 1969, by introducing clause (dd) to Rule 255, mandating that all intercity and inter-provincial bus stands previously operating under Rules 240, 241 and 253 (D-Class stands) must be relocated outside city limits. The letter further directs that any permission granted within city areas for pick-and-drop services must be recalled/withdrawn in accordance with the amended Rule 255(dd). This directive is general in nature and applies across the province.

9. The third and equally decisive component of the legal framework is the order dated 26.09.2024, passed by the High Court at Karachi in Suit No.677 of 2024. In that matter, the Court was confronted with a challenge to the stoppage of operations from a D-Class stand within Karachi. After examining the amendment to Rule 255(dd) and the Government's policy decision, the Court held that since the Rules had been amended and the

executive had decided that bus terminals would henceforth be located outside city limits, no interference was warranted at the interlocutory stage. The Court expressly recalled the earlier ad interim order and observed that the plaintiff may approach the authorities for the renewal of the licence in accordance with the amended Rules. It affirms the legality of the Government's policy and the statutory amendment.

10. The record further contains a subsequent communication dated 26.12.2024, wherein the Transport & Mass Transit Department reiterated that all operational activities of buses from roads, streets, shops, booking offices and similar locations within city limits must be restricted and that compliance reports be furnished. This communication also notes that several constitutional petitions (C.Ps. No. 1422, 1495, 1611 and 2479 of 2024) were disposed of by the Constitutional Bench at Hyderabad, with directions that the grievances be addressed by the Secretary, Transport & Mass Transit Department/Chairman, Provincial Transport Authority. Thus, the matter has been judicially examined at multiple fora, and the legal position has been consistently upheld.

11. When the above noted documents are examined conjointly, the legal position becomes unmistakably clear. The statutory framework governing intercity transport operations has been amended; the executive authorities have issued uniform, province-wide directions pursuant to that amendment and the High Court, in earlier proceedings, has expressly acknowledged the amended regime and declined to interfere with its implementation. As a result, all permissions relating to intercity stands, pick-up and drop-off points, and booking offices situated within city limits stand cancelled by operation of law. In this backdrop, any permission previously issued to the petitioner, whether in 2009 or 2012, cannot subsist, as permissions granted under subordinate legislation remain inherently subject to subsequent statutory amendments, policy decisions and judicially affirmed positions. Such permissions do not confer a vested or perpetual right that survives a later restructuring of the regulatory framework.

12. The petitioner's allegation that the respondents acted out of malice or demanded illegal gratification is unsupported by any material on record. More importantly, the impugned action is not shown to be selective or discriminatory. The cancellation of intra-city stands is a uniform measure applicable to all transporters. Where an administrative action is taken pursuant to a statutory amendment and judicial directives, the plea of mala fide cannot be sustained merely on assertion.

13. The constitutional jurisdiction of this Court is intended to enforce lawful rights, not to perpetuate arrangements that the law itself has extinguished. Granting the relief sought would effectively compel the respondents to act in contravention of Rule 255(dd), the Government's binding directives, and the judicial directives already in the field. Such an order would be legally untenable.

14. However, the petitioner is not remediless as the order passed in Suit No.677 of 2024 expressly permits affected parties to approach the competent authorities for renewal or grant of licenses in accordance with the amended Rules. The petitioner may therefore seek any permissible facility at a location compliant with the statutory framework. However, no constitutional protection can be extended to an activity that the law now prohibits within city limits.

15. For the reasons recorded in the foregoing paragraphs and in view of the statutory amendments and executive directives governing the relocation and cancellation of intercity transport stands and booking offices within city limits, the petitioner has failed to establish any subsisting legal right capable of enforcement under Article 199 of the Constitution.

16. Consequently, this petition is **dismissed**, being devoid of merit. Any interim orders, if operative, stand vacated.

17. The application filed by the intervener (CMA No.3992 of 2025) is rendered infructuous in light of the above findings and is accordingly **disposed of**.

18. The petitioner, if so advised, may approach the competent transport authorities for consideration of any permission or facility strictly in

accordance with the Motor Vehicles Rules, 1969 (as amended) and the policy requiring relocation of intercity stands outside city limits.

JUDGE

JUDGE

Sajjad Ali Jessar