

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C.P. No.D-1543 of 2018

Date	Order with signature of Judge
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- 1.For order on CMA No.16505/2018.
- 2.For order as to maintainability of petition.

10.05.2018

Mr. Muhammad Irfan Bhutta advocate for the petitioner.

It is inter alia contended that the petitioner is engaged in the processing of all kind of halal meet. It is further stated that respondent No.2 is the authority constituted under the Sindh Essential Commodities Price Control and Prevention of Profiteering and Hoarding Act, 2005 in which the respondent No.2 from time to time issue the list for controlling the price of all essential commodities. It is further stated that the petitioner notified the prices of their meet items in all retail outlets in Pakistan. The grievance of the petitioner is that several times the officials of respondents visited the retail outlets and imposed fine on the ground that petitioner is not selling its products as per control price list. There is no specific date mentioned in the petition creating any cause of action nor any paid challan of the fine is attached. It appears that before Ramadan, this petition has been filed to hinder proper inspection and implementation of control price list. The petitioner has prayed as under:-

“It is therefore, most humbly prayed that on consideration of above mentioned facts and grounds this Hon’ble Court may be pleased to direct the

Respondents to exempt the Petitioner's products from their price list and refrain from disrupting in smooth running of their legal business.

b. permanently restrain the Respondents and all officers, inspectors, employees working under them from raiding the shops of the Petitioner for price control and imposing fines upon them or taking any coercive adverse action in pursuance to the impugned price control list of meat/beef.

c. Any other relief this Hon'ble Court deems fit and proper in the circumstances of the case.

In view of the above prayer, it is clear that the Petitioner in fact does not want enforcement of law and he has come up with unique prayer for seeking directions against the respondents to exempt the petitioner's products from their price list. No doubt to run a business is a fundamental right guaranteed and envisaged under Article 18 of the Constitution but it is subject to reasonable restrictions imposed by law. The petitioner is selling the commodities which are covered under the controlled price list. Nobody can claim the exemption from enforcement of law or exemption of his product from control price list. The petition is dismissed in limine.

JUDGE

JUDGE

