ORDER SHEET

IN THE HIGH COURT OF SINDH CIRCUIT COURT HYDERABAD

- 1. C.P No.D-1065 of 2018 [Mashooque v. Province of Sindh & others]
- 2. C.P No.D-1075 of 2018 [Ghulam Mustafa v. Province of Sindh & others]
- 3. C.P No.D-1091 of 2018 [Naveed v. Province of Sindh & others]
- 4. C.P No.D-1097 of 2018 [Sabir v. Province of Sindh & others]
- 5. C.P No.D-1098 of 2018 [Mubarak v. Province of Sindh & others]
- 6. C.P No.D-1113 of 2018 [Nooruddin v. Province of Sindh & others]
- 7. C.P No.D-1121 of 2018 [Allah Wasayo v. Province of Sindh & others]
- 8. C.P No.D-1124 of 2018 [Zeshan v. Province of Sindh & others]
- 9. C.P No.D-1130 of 2018 [Muhammad Qasim v. Province of Sindh others]
- 10. C.P No.D-1139 of 2018 [Anwar Ali v. Province of Sindh & others]
- 11. C.P No.D-1142 of 2018 [Abdul Majeed v. Province of Sindh & others]
- 12. C.P No.D-1145 of 2018 [Anwar Ali v. Province of Sindh & others]
- 13. C.P No.D-1154 of 2018 [Shamshad Ali v. Province of Sindh & others]
- 14. C.P No.D-1156 of 2018 [Papu v. Province of Sindh & others]
- 15. C.P No.D-1161 of 2018 [Kirshan v. Province of Sindh & others]
- 16. C.P No.D-1162 of 2018 [Muhammad Hassan v. Province of Sindh & others]
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- 18. C.P No.D-1165 of 2018 [Abdul Sattar v. Province of Sindh & others]
- 19. C.P No.D-1167 of 2018 [Abid Ali v. Province of Sindh & others]
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- 21. C.P No.D-1169 of 2018 [Riaz Hussain v. Province of Sindh & others]
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- 30. C.P No.D-1187 of 2018 [Manzoor v. Province of Sindh & others]
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- 191. C.P No.D-1414 of 2018 [Muhammad Anwar v. Province of Sindh & others]
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262. C.P No.D-1499 of 2018 [Muhammad Amir v. Province of Sindh & others]
263. C.P No.D-1500 of 2018 [Hakim Ali v. Province of Sindh & others]
264. C.P No.D-1501 of 2018 [Bilawal Soomro v. Province of Sindh & others]
265. C.P No.D-1502 of 2018 [Abdul Khalique Qureshi v. Province of Sindh & others]
266. C.P No.D-1503 of 2018 [Muhammad Ali Baloch v. Province of Sindh & others]
267. C.P No.D-1504 of 2018 [Muhammad Usman Mallah v. Province of Sindh & others]
268. C.P No.D-1505 of 2018 [Zameer Hussain v. Province of Sindh & others]
269. C.P No.D-1506 of 2018 [Abdul Rehman v. Province of Sindh & others]
270. C.P No.D-1507 of 2018 [Ayaz Ahmed v. Province of Sindh & others]
271. C.P No.D-1508 of 2018 [Ali Sher Raho v. Province of Sindh & others]
272. C.P No.D-1509 of 2018 [Naseem Akhtar Bhatti v. Province of Sindh & others]
273. C.P No.D-1510 of 2018 [Salar v. Province of Sindh & others]
274. C.P No.D-1511 of 2018 [Sikandar Ali v. Province of Sindh & others]
275. C.P No.D-1512 of 2018 [Soorat Singh v. Province of Sindh & others]
276. C.P No.D-1513 of 2018 [Shakir Hassan Khan v. Province of Sindh & others]
277. C.P No.D-1514 of 2018 [Waseem Keerio v. Province of Sindh & others]
278. C.P No.D-1515 of 2018 [Mohammad Yousuf Khan v. Province of Sindh & others]
279. C.P No.D-1516 of 2018 [Rahib Ali v. Province of Sindh & others]
280. C.P No.D-1517 of 2018 [Ameer Shah v. Province of Sindh & others]
281. C.P No.D-1518 of 2018 [Noman Khan v. Province of Sindh & others]
282. C.P No.D-1519 of 2018 [Muhammad Idrees v. Province of Sindh & others]
283. C.P No.D-1520 of 2018 [Imtiaz Ali & another v. Province of Sindh & others]
284. C.P No.D-1521 of 2018 [Ali Akbar v. Province of Sindh & others]
285. C.P No.D-1522 of 2018 [Hakim Ali v. Province of Sindh & others]
286. C.P No.D-1523 of 2018 [Ramzan Chohan v. Province of Sindh & others]
287. C.P No.D-1524 of 2018 [Muhammad Sarwar v. Province of Sindh & others]
288. C.P No.D-1527 of 2018 [Gul Hassan v. Province of Sindh & others]
289. C.P No.D-1528 of 2018 [Noor Muhammad v. Province of Sindh & others]
290. C.P No.D-1529 of 2018 [Muhammad Ramzan v. Province of Sindh & others]
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- 291. C.P No.D-1530 of 2018 [Bachawas Khan v. Province of Sindh & others]
- 292. C.P No.D-1531 of 2018 [Muhammad Akbar v. Province of Sindh & others]
- 293. C.P No.D-1536 of 2018 [Muhammad Paryal v. Province of Sindh & others]
- 294. C.P No.D-1540 of 2018 [Mumtaz Ali v. Province of Sindh & others]
- 295. C.P No.D-1541 of 2018 [Abdul Ghaffar Uner v. Province of Sindh & others]
- 296. C.P No.D-1542 of 2018 [Ali Gohar v. Province of Sindh & others]
- 297. C.P No.D-1543 of 2018 [Nawab Ali v. Province of Sindh & others]
- 298. C.P No.D-1544 of 2018 [Bachal v. Province of Sindh & others]
- 299. C.P No.D-1545 of 2018 [Subhan v. Province of Sindh & others]
- 300. C.P No.D-1546 of 2018 [Abdul Rauf v. Province of Sindh & others]
- 301. C.P No.D-1547 of 2018 [Abbas Ali v. Province of Sindh & others]
- 302. C.P No.D-1548 of 2018 [Aman Kumar v. Province of Sindh & others]
- 303. C.P No.D-1549 of 2018 [Muhammad Ramzan v. Province of Sindh & others]
- 304. C.P No.D-1550 of 2018 [Punhal Khan v. Province of Sindh & others]
- 305. C.P No.D-1551 of 2018 [Shahid Hussain v. Province of Sindh & others]
- 306. C.P No.D-1553 of 2018 [Muhammad Ali v. Province of Sindh & others]
- 307. C.P No.D-1554 of 2018 [Attaullah v. Province of Sindh & others]
- 308. C.P No.D-1555 of 2018 [Ali Muhammad v. Province of Sindh & others]
- 309. C.P No.D-1581 of 2018 [Fayyaz Hussain v. Province of Sindh & others]
- 310. C.P No.D-1585 of 2018 [Muhammad Akram v. Province of Sindh & others]
- 311. C.P No.D-1610 of 2018 [Manthar Ali v. Province of Sindh & others]

DATE ORDER WITH SIGNATURE OF JUDGE

Present:

Mr. Justice Aziz-ur-Rehman, Mr. Justice Fahim Ahmed Siddiqui.

15-05-2018

Mr. Imtiaz Ali Channa, advocate for petitioner in C.P No.D-1065, 1156, 1371 & 1372 of 2018.

Mr. Mazhar Ali Leghari, advocate for petitioner in C.P No.D-1075, 1288, 1487, 1488 & 1550 of 2018.

Mrs. Razia Ali Zaman, advocate for petitioner in C.P No.D-1091 & 1273 of 2018.

Miss. Najma Lakho, advocate for petitioner in C.P No.D-1097 & 1098 of 2018.

Mian Taj Muhammad Keerio, advocate for petitioner in C.P No.D-1113, 1206 & 1462 of 2018.

Mr. Waqar Ali Laghari, advocate for petitioner in C.P No.D-1121 of 2018.

Mr. Aijaz Bhutto, advocate for petitioner in C.P No.D-1124, 1174, 1186, 1271 & 1272 of 2018.

Mr. Fakhuruddin Dahraj, advocate for petitioner in C.P No.D-1130, 1205, 1403, 1408 & 1520 of 2018.

Mr. Santosh Kumar J.Kalal, advocate for petitioner in C.P No.D-1139 of 2018.

Mr. Faisal Nadeem Abro, advocate for petitioner in C.P No.D-1142 & 1501 of 2018.

Syed Shahzad Ali Shah, advocate for petitioner in C.P No.D-1145 & 1384 of 2018.

Mr. Altaf Hussain Chandio, advocate for petitioner in C.P No.D-1154 of 2018.

Mr. Bheemchand Kolhi, advocate for petitioner in C.P No.D-1161 & 1405 of 2018.

Mr. Hemandas S.Sanghani, advocate for petitioner in C.P No.D-1162, 1163, 1165, 1169, 1382 & 1416 of 2018.

Mr. Moula Bux Narejo, advocate for petitioner in C.P No.D-1167 of 2018.

Mr. Rizwan Ahmed, advocate for petitioner in C.P No.D-1168 of 2018.

Mr. Jehangir Khyber, advocate for petitioner in C.P No.D-1175 of 2018.

Mr. Mashooque Ali Mahar, advocate for petitioner in C.P No.D-1179, 1213 & 1277 of 2018.

Mr. Muhammad Hassan Chandio, advocate for petitioner in C.P No.D-1181, 1182, 1297, 1321, 1322, 1339, 1342, 1344, 1357, 1358, 1393, 1417, 1471, 1493, 1507, 1508, 1527 & 1551 of 2018.

Mr. Ashique Ali Laghari, advocate for petitioner in C.P No.D-1184 of 2018.

Mr. Abdul Majeed Malak, advocate for petitioner in C.P No.D-1185, 1187, 1189 & 1191 of 2018.

Mr. Shaukat Ali Kaka, advocate for petitioner in C.P No.D-1190, 1282, 1283 & 1383 of 2018.

Mr. Abid Ali Thebo, advocate for petitioner in C.P No.D-1194 of 2018.

Mr. Noor Muhammad Rind, advocate for petitioner in C.P No.D-1199 of 2018.

Mr. Muhammad Azhar Arain, advocate for petitioner in C.P No.D-1200 of 2018.

Mr. Mumtaz Ahmed Lashari, advocate for petitioner in C.P No.D-1203, 1211, 1262 & 1490 of 2018.

Mr. Muhammad Sachal R. Awan, advocate for petitioner in C.P No.D-1208, 1275 & 1543 of 2018.

Mr. Mohsin Raza Gopang, advocate for petitioner in C.P No.D-1212 & 1346 of 2018.

Mr. Poonjo Ruplani, advocate for petitioner in C.P No.D-1214, 1235, 1268, 1281, 1284, 1337, 1413, 1414 & 1521 of 2018.

Mr. Muhammad Zainuddin Baloch advocate for petitioner in C.P No.D-1216 of 2018.

Mr. Ashfaque Ali Khaskheli, advocate for petitioner in C.P No.D-1217 of 2018.

Mr. Shahzad Ahmed Narejo, advocate for petitioner in C.P No.D-1218 of 2018.

Mr. Aijaz Ahmed Chandio, advocate for petitioner in C.P No.D-1220, 1221, 1279, 1409, 1431, 1432, 1433 & 1447 of 2018.

Mr. Ghulamullah Chang, advocate for petitioner in C.P No.D-1219 of 2018.

Mr. Abdul Khalique Leghari, advocate for petitioner in C.P No.D-1228 & 1229 of 2018.

Syed Imdad Ali Shah, advocate for petitioner in C.P No.D-1230, 1231 & 1441 of 2018.

Mr. Shahid Ahmed Ansari, advocate for petitioner in C.P No.D-1233 of 2018.

Mr. Ahmed Nawaz Chang, advocate for petitioner in C.P No.D-1234 of 2018.

Syed Tarique Ahmed Shah, advocate for petitioner in C.P No.D-1236, 1237, 1238 & 1239 of 2018.

Mr. Kanji Mal Meghwar, advocate for petitioner in C.P No.D-1243, 1244, 1299 & 1316 of 2018.

Mr. Waheed Murad Khaskheli, advocate for petitioner in C.P No.D-1245 of 2018.

Mr. Zafar Ali Chandio, advocate for petitioner in C.P No.D-1246 & 1249 of 2018.

Mr. Adnan Ahmed Siddiqui, advocate for petitioner in C.P No.D-1247, 1248, 1257, 1500 & 1522 of 2018.

Mr. Suhail Shahzad Khokhar, advocate for petitioner in C.P No.D-1251, 1252, 1253, 1254, 1255, 1256, 1354, 1355, 1356, 1360 & 1496 of 2018.

Mr. Ghulam Nabi Meo, advocate for petitioner in C.P No.D-1258 of 2018

Mr. Zubair Mirbahar, advocate for petitioner in C.P No.D-1261 of 2018.

Mr. Khalid Hussain Channa, advocate for petitioner in C.P No.D-1265 of 2018.

Mr. Muntazir Mehdi Laghari, advocate for petitioner in C.P No.D-1266, 1473 & 1516 of 2018.

Mr. Kashif Ali Lakho, advocate for petitioner in C.P No.D-1267, 1426 & 1497 of 2018.

Mr. Junaid Soomro, advocate for petitioner in C.P No.D-1269 & 1377 of 2018.

Mr. Willayat Ali Khan Magsi, advocate for petitioner in C.P No.D-1276 of 2018.

Mr. Mumtaz Ali Soomro, advocate for petitioner in C.P No.D-1280 of 2018.

Mr. Zaheeruddin Nohri, advocate for petitioner in C.P No.D-1285, 1286, 1368 & 1369 of 2018.

Mr. Zulfiqar Ali Samo, advocate for petitioner in C.P No.D-1289, 1291, 1292, 1294, 1453, 1455, 1456, 1474, 1475 & 1477 of 2018.

Mr. Ghulam Mustafa Hingorjo, advocate for petitioner in C.P No.D-1300, 1301, 1302, 1303, 1304, 1305, 1306, 1307, 1308, 1542, 1544, 1545, 1546, 1547, 1548, 1549 & 1554 of 2018.

Mr. Ghulam Sarwar Khaskheli, advocate for petitioner in C.P No.D-1311 of 2018.

Mr. Badar Rajpar, advocate for petitioner in C.P No.D-1312 of 2018.

Mr. Azizullah Ghambhir, advocate for petitioner in C.P No.D-1314 of 2018.

Mr. Abdul Majeed Lashari, advocate for petitioner in C.P No.D-1315 & 1523 of 2018.

Mr. Hitesh Kumar Maheshwari, advocate for petitioner in C.P No.D-1317 of 2018.

Mr. Sartar Iqbal Panhwar, advocate for petitioner in C.P No.D-1318 & 1319 of 2018.

Mr. Waseem Ahmed Ghahoti, advocate for petitioner in C.P No.D-1324 of 2018.

Mr. Muhammad Jameel Khan advocate for petitioner in C.P No.D-1325 of 2018.

Mr. Karim Bux Rind advocate for petitioner in C.P No.D-1326, 1327, 1331,1332, 1334, 1335, 1363,1364, 1365, 1366 & 1367 of 2018.

Mr. Om Parkash H.Karmani, advocate for petitioner in C.P No.D-1328, 1330, 1340 & 1341 of 2018.

Mr. Waqar Ali G. Zaur, advocate for petitioner in C.P No.D-1336, 1352 & 1494 of 2018.

Mr. Bisharat Ali Memon, advocate for petitioner in C.P No.D-1343 of 2018.

Mr. Imdad Hussain A.Shahani, advocate for petitioner in C.P No.D-1359 of 2018.

Syed Shafique Ahmed Shah, advocate for petitioner in C.P No.D-1362 & 1466 of 2018.

Mir Asif Ali Talpur, advocate for petitioner in C.P No.D-1370 & 1460 of 2018.

Mr. Muhammad Ahmed Khan Pathan, advocate for petitioner in C.P No.D-1385, 1386, 1387, 1388, 1389, 1390, 1391, 1392 & 1394 of 2018.

Mr. Ayaz Hussain Chandio, advocate for petitioner in C.P No.D-1395 of 2018.

Mr. Bhagwandas Bheel, advocate for petitioner in C.P No.D-1396 of 2018.

Mr. Aghis-u-Salam Tahirzada, advocate for petitioner in C.P No.D-1397, 1398 & 1410 of 2018.

Mr. Sheeraz Bhatti, advocate for petitioner in C.P No.D-1402, 1427, 1449, 1450, 1452, 1482 & 1483 of 2018.

Mr. Imdad Ali Dahri, advocate for petitioner in C.P No.D-1411 of 2018.

Mr. Mushtaque Ali Tagar, advocate for petitioner in C.P No.D-1412 of 2018.

Mr. Javed Ali Buriro, advocate for petitioner in C.P No.D-1415 of 2018.

Mr. Saeed Ahmed Waggan, advocate for petitioner in C.P No.D-1424 of 2018.

Mr. Anwar Ali Solangi advocate for petitioner in C.P No.D-1425 of 2018.

Mr. Ghulam Sarwar Baloch, advocate for petitioner in C.P No.D-1428 & 1524 of 2018.

Mr. Amjad Hussain Rajput, advocate for petitioner in C.P No.D-1429 of 2018.

Mr. Ghulam Murtaza Shaikh, advocate for petitioner in C.P No.D-1430 of 2018.

Mr. Satram, Sonani Bheel, advocate for petitioner in C.P No.D-1434 of 2018.

Mr. Aslam Baig Leghari Baloch advocate for petitioner in C.P No.D-1435, 1436, 1437, 1438, 1439, 1440, 1445, 1446 & 1457 of 2018.

Mr. Nouman Sahito, advocate for petitioner in C.P No.D-1442, 1443, 1444 & 1489 of 2018.

Mr. Shaukat Ali Pathan advocate for petitioner in C.P No.D-1448 of 2018

Mr. Parkash Lal advocate for petitioner in C.P No.D-1451 of 2018.

Mr. Nasrullah Khaskheli, advocate for petitioner in C.P No.D-1454 & 1458 of 2018.

Mr. Mushtaque Husain Khaskheli, advocate for petitioner in C.P No.D-1459 of 2018.

Rao Faisal Ali, advocate for petitioner in C.P No.D-1461 of 2018.

Mr. Ali Khan Laghari, advocate for petitioner in C.P No.D-1463 of 2018.

Mr. Zahid Mallah, advocate for petitioner in C.P No.D-1472 & 1514 of 2018.

Mr. Akash Ali Rind advocate for petitioner in C.P No.D-1476 of 2018.

Mr. Ahmed Ali Jarwar, advocate for petitioner in C.P No.D-1478 & 1479 of 2018.

Mr. Mirza Naeem Baig, advocate for petitioner in C.P No.D-1484 of 2018

Mr. Ghulam Shabbir Daudani, advocate for petitioner in C.P No.D-1485 of 2018.

Mr. Saeed Ahmed Mirjat, advocate for petitioner in C.P No.D-1491 & 1492 of 2018.

Mr. Zeeshan Ali Malik, advocate for petitioner in C.P No.D-1495 & 1553 of 2018.

Mr. Naseer A.Narejo, advocate for petitioner in C.P No.D-1498 of 2018.

Mr. Faisal Ali Raza Bhatti, advocate for petitioner in C.P No.D-1499 & 1519 of 2018.

Mr. Abdul Mueed Shaikh, advocate for petitioner in C.P No.D-1502, 1503, 1529 & 1530 of 2018.

Mr. Subhan Ali Panhwar, advocate for petitioner in C.P No.D-1504 of 2018.

Mr. Niaz Hussain Laghari, advocate for petitioner in C.P No.D-1505 of 2018.

Mr. Mansoor Ali Jamali, advocate for petitioner in C.P No.D-1506, 1509 & 1531 of 2018.

Mr. Wali Muhammad Buledi, advocate for petitioner in C.P No.D-1510 of 2018.

Mr. Velji Rathore, advocate for petitioner in C.P No.D-1512 of 2018.

Mr. Ashok Kumar, advocate for petitioner in C.P No.D-1513 of 2018.

Mr. Taj Muhammad Qaimkhani, advocate for petitioner in C.P No.D-1511 & 1515 of 2018.

Mr. Kanjee Mal Rano Bheel, advocate for petitioner in C.P No.D-1517 of 2018.

Mr. Altaf Hussain Junejo, advocate for petitioner in C.P No.D-1518 of 2018.

Mr. Abdul Hameed Bajwa, advocate for petitioner in C.P No.D-1528 of 2018.

Mr. Shahid Sahito, advocate for petitioner in C.P No.D-1536 of 2018.

Mr. Ahsan Gul Dahri, advocate for petitioner in C.P No.D-1540, 1541 of 2018.

Miss. Rizwana, advocate for petitioner in C.P No.D-1555 of 2018.

Mr. Wishan Das Kolhi, advocate for petitioner in C.P No.D-1585 & 1610 of 2018.

Petitioner[s] in person in C.P No.D-1264, 1404, 1421, 1581 of 2018

Mr. Allah Bachayo Soomro Additional Advocate General Sindh for respondents.

<u>Aziz-ur-Rehman, J.</u> - Per averments made in the above / listed petitions, the petitioners are proprietors / owners of the hotels, restaurants or canteen, who are carrying on their business within the territorial jurisdiction of the High Court of Sindh, Circuit Court Hyderabad. According to the petitioner's version, their business activity is protected, as claimed, under 'Exemptions' provided under section 5 of

the Ehtram-e-Ramazan Ordinance, 1981. According to the petitioners, since holy month of Ramazan is likely to start from 17th May, 2018 [subject to appearance of moon], as such, they apprehend that the official respondents will cause severe impediment, in the way of doing/carrying on the business of the petitioners within the parameters of exemptions, as provided under section 5 of the Ehtram-e-Ramazan Ordinance, 1981 [Ordinance XXIII of 1981]. The official Respondents, as apprehended by petitioners, beside creating obstacles in the way of the petitioners will not accord permission to the petitioner[s] to run/operate their business in accordance with exemptions as per section 5 of the Ehtram-e-Ramazan Ordinance, 1981 [Ordinance XXIII of 1981] during the holy month of Ramazan. Moreover, the official Respondents, as alleged, by the petitioners in this regard, have already issued verbal 'warnings / threats' to the petitioners.

2. In all the above petitions, since a similar and identical question, is involved, the learned A.A.G., as such, opted to waive notice[s] in all these petitions, in which either notices have not been issued and/or otherwise, the same remained un-served on the official Respondents and A.A.G. Nevertheless, learned A.A.G. upon receiving copies of the petitions and annexures therewith if any, besides, waiving notice, concedes that all the above petitions be taken-up together and 'disposed of' by a 'common order' to which all the learned counsel for petitioners, present in Court, extended their no objection. In this regard reference was made to the case of Arshad Muhammad & others v. Province of Sindh & others [SBLR 2016 DB Sindh 1751].

- 3. Heard.
- 4. Before proceeding further, at this juncture, we would like to reproduce herein, Section 5 of the Ehtram-e-Ramazan Ordinance, 1981 [Ordinance XXIII of 1981], which reads as follow:-
 - 5. Exemptions. Nothing contained in section 4 shall apply in respect of-
 - (a) A canteen or kitchen maintained in a hospital for serving food to patients;
 - (b) A restaurant or canteen within the premises of a railway station, airport, or seaport or bus stand or in a train or aircraft;
 - (c) A kitchen or dining-car of a train; or
 - (d) A kitchen or canteen meant for children within the premises of a primary school.
- 5. It is significant to note, that the aforesaid clause (b) of section 5 of Ehtram-e-Ramazan Ordinance, 1981, has subsequently been substituted/amended by Ehtram-e-Ramazan [Amendment] Ordinance, 1981. The subsequently amended / substituted clause (b) of Section 5 of the Ehtram-e-Ramazan Ordinance, 1981 now reads as follows:-
 - "(b) a restaurant, canteen, stall or wheel barrow, or the holder of a vending contract, within the premises of a railway station or in a train or a restaurant or canteen within the premises of an airport, seaport, or bus stand or in an aircraft;"
- 6. No doubt, a number of the 'exemptions' under section 5 of the Ehtram-e-Ramazan Ordinance, 1981 [Ordinance XXIII of 1981] regarding operation of restaurants and canteen etc. as above, have been provided in the holy month of Ramazan but, in our view, at the same time, it is obligatory for the proprietors / owners of the restaurants, canteen etc., as above, to do such activity strictly in terms of the

'exemptions' as mentioned / provided under section 5 of the Ehtram-e-Ramazan Ordinance, 1981.

- The 'business activity' permitted in terms of 'exemptions', of 7. course, shall needs to be done with utmost respect to the holy 'Month of Ramazan' and that too, subject to the necessary 'pre-cautions' and permission to be obtained from the concerned official Respondents / Magistrates interalia for ensuring that no any, such activity is conducted/carried out at the restaurants and other places which must needs to fall within the ambit of 'exemptions' as provided under Section 5 of the Ehtram-e-Ramazan Ordinance, 1981. Moreover, such an activity at the places shall fall under the 'exemption' and in no manner should be allowed, to be exposed to the public view or access. Rather such an activity, keeping in view the tenets of Islam, is to be done/carried with proper restricted arrangements of curtain and screen, otherwise, the petitioners would expose themselves for punishment, who do any such an activity of running restaurant, canteen etc. in contravention of the Ehtram-e-Ramazan Ordinance, 1981 [Ordinance XXIII of 1981] as provided under the provisions of the Ehtram-e-Ramazan Ordinance, 1981 [Ordinance XXIII of 1981].
- 8. For and in view of the above, all the listed / above petitions stand 'disposed of' in the following terms:
 - a. The petitioners may continue the business activity, which as asserted by the petitioners, would be properly protected from public view by means of a curtain or screen and further such an activity of running restaurant, canteen etc. duly falls within the scope of clauses (a), (b), (c) or (d) of Section 5 of the Ehtram-e-Ramazan Ordinance, 1981 [Ordinance XXIII of 1981].

- b. Further, the petitioners will not conduct their business activity beyond the parameters of the 'exemptions', as provided under Section 5 of the Ehtram-e-Ramazan Ordinance, 1981 [Ordinance XXIII of 1981], in a canteen, restaurant or dining car referred to and mentioned in clauses (a), (b), (c) or (d) of Section 5 of the Ehtram-e-Ramazan Ordinance, 1981 [Ordinance XXIII of 1981]. Besides, such activity shall also be duly protected from public view by means a curtain or screen or otherwise. Moreover, such an activity shall be subject to proper 'verification' and vigilant checking by the concerned Magistrates / official Respondents, as and when the concerned Magistrates / official Respondents deem it necessary and proper with a view to ensure the Ehtram-e-Ramazan.
- c In case of any sort of violation or contravention of the Ehtram-e-Ramazan Ordinance, 1981, by the petitioners or any one of them the concerned Magistrates/the competent authority/official Respondent[s] is/are free to initiate legal action, as provided under the Ehtram-e-Ramazan Ordinance, 1981 [Ordinance XXIII of 1981].
- 9. Office is directed to transmit copy of this order to the learned A.A.G. Sindh Hyderabad and all the concerned Sessions Judges, Deputy Commissioners/Magistrates/Official Respondents of <u>Hyderabad</u>, <u>Shaheed Benazirabad</u> and <u>Mirpurkhas Divisions</u>, for information and strict necessary compliance.
- 10. All the above petitions stand 'disposed of' accordingly along with all pending application[s], if any.

JUDGE