

ORDER SHEET

IN THE HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD

C.P.Nos.D-2024, 2030, 2031,2032, 2034, 2036,
2038, 2039 and 2041 and 2046 of 2017.

DATE

ORDER WITH SIGNATURE OF JUDGE(S)

PRESENT:

Mr. Justice Aqeel Ahmed Abbasi
Mr. Justice Yousuf Ali Sayeed

06.06.2017

Mr. Aslam Baig Leghari, Advocate for petitioner in C.P.No. D-2024 of 2017.

Mr. Rashid Ali Shah, Advocate for petitioners in C.P.No.D-2030 and 2031 of 2017

Mr. Muhammad Zainuddin, Advocate for petitioner in C.P.No.D-2032 of 2017

Mr. Kanji Mal Menghwar, Advocate for petitioner in C.P.No. D-2034 of 2017.

Mr. Inam Ali Malik, Advocate for petitioner in C.P.No.D-2036 of 2017

Mr. Imtiaz Ali Channa, Advocate for petitioner in C.P.No.D-2038 of 2017

Mr. Zaheeruddin Nohri, Advocate for petitioner in C.P.No.D-2039 of 2017

Mr. G.M. Leghari, Advocate for petitioner in C.P.No.D-2041 of 2017.

Hafiz Muhammad Ansari, Advocate for Petitioner in CP No.D-2046/2017

Mr. Allah Bachayo Soomro, Additional A.G, Sindh.

ORDER

AQEEL AHMED ABBASI, J:- Since a common question of law and fact has been agitated through instant petitions, whereas, all the petitioners have sought declaration to the effect that respondents shall not create any harassment to the petitioners to carry out their hotel business during Ramzan provided as

authority to learned Counsel for the petitioners, petitioners are entitled to the exemption in terms of Section 5 of Ordinance XXIII of Ehtram-e-Ramzan Ordinance, 1981, therefore, instant petitions are being disposed of by consent of the petitioners and the learned Additional Advocate General present in Court, who waives the notice of all the petitions.

2. Learned Counsel for the petitioners and the learned Additional Advocate General have candidly stated that similar petitions were disposed of by a Division Bench of this Court vide combined order dated 24.05.2016 passed in *C.P.NO.D-1553 of 2017 (Ali Ahmed V/s. Deputy Commissioner, Shaheed Benazirabad and others)* and submit that instant petitions may also be disposed of in similar terms. Copy of passed order in the above petition has been placed on record.

3. We have examined the relief sought in instant petitions by the petitioners, as well as the relevant provisions of Ehtram-e-Ramzan Ordinance, 1981, with particular reference to provisions of Sections 4 & 5 of the Ordinance, and have also perused the order already passed by a Division Bench of this Court in the aforesaid petition, under the similar circumstances and would, therefore, by consent of the parties dispose of instant petitions in the following terms.

- (1) Subject to verification of the facts regarding claim of exemption of the petitioners in terms of Section 5 of the Ehtram-e-Ramzan Ordinance, 1981 and its observance in letter and spirit, the respondents shall not create any hindrance in the hotel business activity of the petitioners during the Holy Month of Ramzan, the petitioners are entitled to the exemption in terms of Section 5 of the Ehtram-e-Ramzan Ordinance, 1981, which reads as under:-

“5. Exemption.—Nothing contained in section 4 shall apply in respect of—

(a) a canteen or kitchen maintained in 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.”

- (2) In case of any violation or contravention of the provisions of the Ehtram-e-Ramzan Ordinance, 1981 or the non-fulfillment of the requirements of Section 5 of the Ordinance, the competent authority may be at liberty to take action against such violators in accordance with the provisions of Ehtram-e-Ramzan Ordinance, 1981.

4. Let a copy of this order be transmitted to all the concerned Commissioners for onward transmission to all the concerned Deputy Commissioners of Hyderabad Division, Shaheed Benazirabad Division and Mirpurkhas Division for information and compliance and also to transmit the same to all concerned Deputy Commissioners. Copy of this order may also be provided cover-in-hand to the learned Additional Advocate General for onward transmission to all the concerned officers.

Petitions stand disposed of in above terms.

JUDGE

JUDGE