

# IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

C. P. No. D – 1429 of 2021

(*Tanveer Asghar Rajper & another versus Province of Sindh & others*)

Present:

**Mr. Muhammad Iqbal Kalhoro, J.**  
**Mr. Arbab Ali Hakro, J.**

Date of hearing : **06.03.2024**

Date of decision : **06.03.2024**

Mr. Nabi Bux Balouch, Advocate for petitioners.

Respondent No.16, present in person.

Mr. Liaquat Ali Shar, Additional Advocate General Sindh along with Muhammad Mustaqeem Qureshi, Assistant Commissioner, Bhiria.

## **ORDER**

**Muhammad Iqbal Kalhoro, J.** – Petitioners claim to operate a cattle market (*pirri*) for purchasing and selling of cattle at Bhiria Road, District Naushahro Feroze on every Saturday under a license granted by the relevant market committee for the last 14 years. It is their case that respondent No.16 has also established such cattle market (*pirri*) with name and style of “Sayed Maal Pirri” in the same vicinity driving away business from the cattle market (*pirri*) of petitioners. Resultantly, both parties fell in multiple litigation before various forums, the outcome of some of which came in favour of petitioners in that they were allowed to run the said cattle (*maal pirri*).

2. However, as respondent No.16 is an influential person and well connected, local politicians and the police, at his instance, are causing harassment to them and interfering in their business so much so that they stopped and blocked all the link roads leading to the cattle market (*pirri*) of the petitioners, attacked upon the people who had come to do business and took away their animals.

3. After notice to the various officials including police officials and Deputy Commissioner / Commissioner, they have filed the comments enlisting mainly the efforts undertaken by them to bring about reconciliation between the parties but in vain.

4. After looking at such reports, vide order dated 31.05.2022, the Commissioner, Sukkur was directed to look into the issue with the help of

relevant Deputy Commissioners, officials of Market Committees and concerned SSPs, and decide the same in accordance with law, within a period of thirty (30) days.

5. He has filed various reports, the gist of which is that despite efforts, the issue could not be resolved. In one of the report dated 06.06.2022, he has suggested that matter may be referred to the Secretary, Agriculture Department, Karachi and in some other report, he has proposed the name of Director, Agriculture Department, Hyderabad for same purpose.

6. Be that as it may, the perusal of petition shows that petitioners' main grievance is against the police, which, according to them, are interfering in their lawful business, being carried out under a valid license, at the instance of private respondent No.16, who is also present in person and has refused to reconcile the matter with petitioners, and is not amenable to any suggestion put forward by the Court for deciding the matter amicably between the parties. The efforts of various officials directed to this end have also borne no fruit.

7. We, under the constitutional jurisdiction, can only direct the police and officials to act in accordance with law and not cause any harassment to either of the parties at the instance of anyone, local or foreigner, in their lawful business. Petitioners have a right to run a cattle market (*pirri*) at the designated area under the law and the Constitution, and no one in this regard, including officials respondents including the police or private respondents, have a mandate to interject or block the routes leading to the ground where such cattle market (*mall pirri*) is being run by the petitioners, as long as it is being run under a valid license.

8. Therefore, we, while disposing of this petition, direct the official respondents not to cause any hindrance in the lawful business of petitioners at the instance of either private respondents or anyone acting on their behalf. Any violation in their lawful business would amount to violation of this order chargeable to relevant provisions of law.

Petition stands **disposed of** in the above terms.

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