

**IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR**

**C.P No. D-1053 of 2025**

along with

C.P No.D-1076 of 2025, C.P No.D-1094 of 2025,  
C.P No.D-1110 of 2025, C.P No.D-1145 of 2025,  
C.P No.D-1148 of 2025, C.P No.D-1215 of 2025,  
C.P No.D-1231 of 2025, C.P No.D-1347 of 2025  
C.P No.D-1143 of 2025

**PRESENT: Mr. Justice Muhammad Saleem Jessar  
Mr. Justice Nisar Ahmed Bhanbhro**

- Petitioners** : Through Mr. Badaruddin Memon,  
Advocate
1. Hazoor Bux son of Rasool  
Bux Mahar
  2. Sikandar Ali son of Hazoor  
Bux Mahar
  3. Ashiq Ali son of Moula Bux  
Mahar
  4. Abdul Ghaffar son of Moula  
Bux Mahar
  5. Rasool Bux son of Moula Bux  
Mahar  
in C.P No.D-1053 of 2025
- Petitioners** : Through Ms. Rizwana Parveen  
Memon, Advocate
1. Fozia Mahar wife of  
Badaruddin
  2. Samina Naz Abbasi wife of  
Abdul Karim  
in C.P No.D-1076 of 2025
- Petitioner** : Through Mr. Badaruddin Memon,  
Advocate
- Gulzar son of Eidan Mahar  
in C.P No.D-1094 of 2025
- Petitioner** : Through Mr. Saifur Rehman Naich,  
Advocate
- Taj Mohammad Soomro son  
of Nazar Mohammad  
in C.P No.D-1110 of 2025

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| <b>Petitioner</b><br>Sikandar Ali son of Sher<br>Mohammad Mahar<br>in C.P No.D-1145 of 2025   | : | Through Mr. Wajid Ali Shaikh,<br>Advocate   |
| <b>Petitioners</b><br>1. Manzoor Ahmed son of<br>Maqbool Ahmed Mangrio<br>2. Allahando Khan son of<br>Maqbool Ahmed Mangrio<br>in C.P No.D-1148 of 2025 | : | Through Mr. Badaruddin Memon,<br>Advocate   |
| <b>Petitioner</b><br>Farhan Ali son of Mushtaq Ali<br>Chandio<br>in C.P No.D-1215 of 2025   | : | Through Ms. Rizwana Parveen<br>Memon, Advocate  |
| <b>Petitioner</b><br>Aashir Masood son of Masood<br>Rasool Mahar<br>in C.P No.D-1231 of 2025  | : | Through Mr. Saifullah Soomro,<br>Advocate   |
| <b>Petitioner</b><br>Nida wife of Wajahat Ali<br>in C.P No.D-1347 of 2025   | : | Through Ms. Rizwana Parveen<br>Memon, Advocate  |
| <b>Petitioner</b><br>Sahib Dino son of Rajb Ali<br>Tanweri<br>in C.P No.D-1143 of 2025  | : | In person   |
| <b>Respondents</b>  | : | Through Mr. Ali Raza Baloch, Addl.<br>Advocate General, Sindh along with<br>Mr. Naveed Ahmed Mirani, ADC-I,<br>Sukkur |
| <b>Date of Hearing</b>  | : | 26.08.2025  |
| <b>Date of Judgment</b>   | : | 08.09.2025  |
| <b>Date of Announcement</b>   | : | 11.09.2025  |

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## J U D G M E N T

**Nisar Ahmed Bhanbhro, J.** We propose to decide the fate of captioned petitions, through this common Judgment, as all the petitions involve common question of law and facts.

2. The Petitioners through these petitions (except CPD 1143 of 2025 Re. Sahib Dino V. PO Sindh and others) have questioned the order dated 27.06.2025 (impugned order) whereby the Administrator cattle colony Sukkur / Assistant Commissioner Sukkur has cancelled provisional allotment of cattle pans assigning different reasons.

3. Learned Counsel for the Petitioners, contended that the Petitioners were allotted cattle pan in the Cattle Colony Sukkur in year 2023. They remained in peaceful possession of the plot/ pan since the date of allotment. The Administrator Cattle Colony Sukkur through impugned Orders has cancelled the allotment without assigning any cogent reasons. Learned Counsel argued that the Petitioners were engaged in Dairy Business. The Petitioners opened cattle sheds in Sukkur city for commercial purposes. Learned Counsel argued that Government established Cattle Colony Sukkur for shifting cattle sheds from city area. Learned Counsel argued that Petitioners established cattle pan but did not shift animals as adequate facilities were not available in the cattle colony. Learned Counsel argued that allotment of female petitioners was cancelled on the score that their husbands were allotted plots in the cattle colony. Learned Counsel contended that female petitioners were engaged in dairy business independently and cancellation of allotment on such ground was not tenable under the law. Learned Counsel argued that Petitioners were not dealt in accordance with law, which violated fundamental rights as to business. They prayed for withdrawing the cancellation orders and restoration of plots.

4. Learned Additional Advocate General, controverting the submissions argued that the Petitioners were allotted the cattle pan for specific purpose under terms and conditions that they would construct and establish the cattle pan but they failed. He argued that the Petitioners violated the terms and conditions of the allotment; therefore, the allotment was cancelled and fresh process of allotment was initiated. He contended that Petitioners were given show cause notice and after affording them the right of audience, allotment was cancelled. He argued that the right to business and profession was fundamental right of the Petitioners but it was subject to the restrictions, that may be imposed by the government. He contended that there was no illegality in the impugned order. He contended that the Petitions were not maintainable. He prayed for the dismissal of the Petitions.

5. Heard arguments, perused material made available before us on record.

6. Scanning of the record revealed that the issue of shifting of the cattle sheds from Sukkur city was agitated before this court through Petition No D 99 of year 2008. Learned Division Bench of this Court, time and again issued directions to make Sukkur a cattle free city. The government of Sindh, pursuant to the directions of this Court, established cattle colony on 90 acres land. The cattle colony is established to remove animals from the residential areas of City, which caused huge disturbance in traffic flow and posed potential threat to the cleanliness of roads. In all 205 plots under four categories were carved out in the cattle colony, in the following manner:

| <b>Plot Categories</b> | <b>No of Plots</b> | <b>Size of Plots</b> |
|------------------------|--------------------|----------------------|
| Category A             | 11 Plots           | 22,000 sq ft or more |
| Category B             | 64 Plots           | 14000-20000 sq ft    |
| Category C             | 75 Plots           | 9500-14000 sq ft     |
| Category D             | 55 Plots           | 2500-9500 sq ft      |

7. Learned Additional Advocate General has placed on record a notification dated 11.04.2025 issued by the Deputy Commissioner Sukkur, whereby Scrutiny Committee headed by Additional Deputy Commissioner I Sukkur with Assistant Commissioner New Sukkur, Mukhtiarkar New Sukkur, Mukhtiarkar City Sukkur, Veterinary Officer Livestock Sukkur, Assistant Executive Engineer, SMC Sukkur, Supervising Tapedar New Sukkur and Tapedar Arain Tapa New Sukkur as members was constituted with following Terms of References (TORs):

- i. The Committee Shall physically verify the present occupant of cattle pan in cattle colony New Sukkur*
- ii. The Committee shall verify and categorize the cattle pans in the cattle colony as under:*
  - a. Allottees outside Sukkur District*
  - b. Cattle pans not established*
  - c. Allotments made to wife and husband*
  - d. Cattle pans rented out / sublet by the allottees*
- iii. The Committee shall point out encroachments made on amenity plots,*
- iv. The Committee shall put forth recommendations for new allotments*
- v. The Committee shall verify the payments made by the allottee in Government Ex-chequer*
- vi. The Committee shall scrutinize the revenue record of cattle colony.*

vii. Any violation /material irregularity observed during the physical verification of cattle pans shall be reported by the Committee.

8. Per record, the Committee conducted physical check of the cattle colony. It surfaced that 03 plots/ pans were allotted to government employees, 04 plots were allotted to husband and wife (within same family) and 28 plots were found vacant / not established or not utilized, therefore all these plots were recommended for cancellations. Allotments of 35 allottees for reasons of non-utilization of plots, husband - wife relationship and non - association with diary business, were cancelled which is set out below.

a) **The allottees whose allotments were cancelled for reason of failure to establish cattle pans is as follows:**

| S.No | Plot No | Area of Plot (Sq.fts) | Name of Allottee   |
|------|---------|-----------------------|--|
| 1.   | A-02    | 22275                 | Shoukat Ali (did not challenge cancellation)             |
| 2.   | A-03    | 22275                 | Irsar Ahmed (did not challenge cancellation)             |
| 3.   | A-06    | 22275                 | Israr Ahmed Bullo (did not challenge cancellation)       |
| 4.   | A-07    | 22275                 | Mohammad Arif (did not challenge cancellation)           |
| 5.   | B-13    | 7425                  | Rasool Bux Mahar ( <b>Petitioner in CPD 1053</b> )       |
| 6.   | B-13/1  | 7425                  | Abid Hussain (did not challenge cancellation)            |
| 7.   | B-16    | 14850                 | Muhammad Rohan (did not challenge cancellation)          |
| 8.   | B-32/1  | 6750                  | Moula Bux Mahar (did not challenge cancellation)         |
| 9.   | B-33    | 14850                 | Hazoor Bux Mahar ( <b>Petitioner in CPD 1053</b> )       |
| 10.  | D-49    | 9450                  | Bagh Ali (did not challenge cancellation)                |
| 11.  | B-52    | 14850                 | Mohammad Siddiqui (did not challenge cancellation)       |
| 12.  | B-57    | 16560                 | Kashif Ali (did not challenge cancellation)              |
| 13.  | B-61    | 14850                 | Manzoor Ahmed Mangrio ( <b>Petitioner in CPD 1148</b> )  |
| 14.  | B-62    | 14850                 | Allahando Khan Mangrio ( <b>Petitioner in CPD 1148</b> ) |
| 15.  | B-63    | 18876                 | Aashiq Ali Mahar ( <b>Petitioner in CPD 1053</b> )       |

|     |        |       |   |
|-----|--------|-------|---|
| 16. | C-78   | 8400  | Farhan Ali Chandio ( <b>Petitioner in CPD 1215</b> )  |
| 17. | C-86   | 9450  | Gulzar Ahmed ( <b>Petitioner in CPD 1094</b> )        |
| 18. | C-107  | 10543 | Sajjad Hussain (did not challenge cancellation)       |
| 19. | C-112  | 9450  | Ali Ibrahim (did not challenge cancellation)          |
| 20. | C-137  | 9450  | Syed Sohail Shah (did not challenge cancellation)     |
| 21. | D-02   | 8908  | Abdul Majeed Kalhoro (did not challenge cancellation) |
| 22. | D-04   | 20081 | Syed Jan Muhammad (did not challenge cancellation)    |
| 23. | D-06   | 14400 | Waseem Ali (did not challenge cancellation)           |
| 24. | D-08   | 13200 | Muhammad Yousif (did not challenge cancellation)      |
| 25. | D-26   | 10295 | Ahmed Ali (did not challenge cancellation)            |
| 26. | D-31   | 4690  | <b>Taj Mohammad (Petitioner in CPD 1110)</b>          |
| 27. | D-45   | 10000 | <b>Aashir Masood (Petitioner in CPD 1231)</b>         |
| 28. | D-46/1 | 2500  | Mazhar Ali Shah (did not challenge cancellation)      |

**b) The allotment of plots in favor of following allottees was cancelled as they were engaged in government service:**

| S. No | Name of Cattle Farm Owners | Plot No and Area       | Name of Department                     |
|-------|----------------------------|------------------------|--|
| 1.    | Zameer Hussain Khokhar     | B-58<br>(14680 Sq ft)  | Finance Department                     |
| 2.    | Ghulam Mustafa Mahar       | B-20<br>(14850 Sq.ft)  | Education & Literacy Department        |
| 3.    | Muhammad Hisham Mahar      | A-04<br>(22,275 Sq.Ft) | Law Department,<br>Government of Sindh |

**c) The female allottees, whose allotments were cancelled as their husbands were also allotted plots:**

| S. No | Name of Cattle Farm Owners | Petition No | Plot No and Area | Husbands Name | Plot No & Area |
|-------|----------------------------|-------------|------------------|---------------|----------------|
|-------|----------------------------|-------------|------------------|---------------|----------------|

|    |             |                                    |                        |                     |                         |
|----|-------------|------------------------------------|------------------------|---------------------|-------------------------|
| 1. | Sameena Naz | CPD 1076                           | D-13<br>(8250 Sq ft)   | Abdul Kareem Abbasi | B-24<br>(14850 Sq. fts) |
| 2. | Nida        | CPD 1347                           | B-39<br>(14850 sq.ft)  | Wajahat Ali Rajput  | B-26<br>(14520 Sq. ft)  |
| 3. | Mst Sakeena | Did not challenge the cancellation | D-43<br>(9625 Sq.Ft)   | Abdul Jabbar        | C-135 (9450 Sq. ft)     |
| 4. | Fozia Mahar | CPD 1076                           | C-125<br>(9450 sq.ft.) | Badaruddin Mahar    | C-124<br>(9450 sq. ft)  |

9. After cancellation of allotments of defaulter allottees, process of fresh allotment commenced through advertisement in newspapers inviting applications for allotment. The Allotment Committee received applications. Additionally, a site survey was conducted by the village staff, who submitted report to Assistant Commissioner Sukkur City, New Sukkur and the Deputy Commissioner, Sukkur. Based on the survey and verification, the Allotment Committee approved the allotment of 41 plots. The Committee after scrutiny of applications made fresh allotments in favor of the following persons:

| S.# | Name                  | Plot allotted | Area of plot (sq. ft) |
|-----|-----------------------|---------------|-----------------------|
| 1   | Muhammad Salman Khan  | D-43          | 4000                  |
| 2   | Muhammad Aamir Keerio | C-86          | 3000                  |
| 3   | Gulzar Ahmed Mahesar  | C-86/1        | 1450                  |
| 4   | Ali Hassan Cohan      | B-61          | 2225                  |
| 5   | Manzoor Ahmed Buriro  | B-61/1        | 2225                  |
| 6   | Haji Khan             | D-33/1-A      | 1715                  |
| 7   | Rashid Suleman        | D-33/1        | 1215                  |
| 8   | Zahid Ali             | B-61/2        | 5000                  |
| 9   | Lakhmir Bhattar       | D-33/1-B      | 2215                  |
| 10  | Muhammad Hassan Abro  | D-31          | 1200                  |
| 11  | Abid Hussain          | C-134         | 2500                  |
| 12  | Ghulam Nabi           | C-134/1       | 2500                  |
| 13  | Ubaidullah            | C-134/2       | 1500                  |
| 14  | Ghulam Rasool         | C-134/3       | 1800                  |

|    |                        |         |       |
|----|------------------------|---------|-------|
| 15 | Shakeel                | D-31/1  | 3490  |
| 16 | Mor                    | C-134/4 | 1150  |
| 17 | Dilawar Ali            | C-64/1  | 4752  |
| 18 | Naveed Ahmed           | B-62    | 14850 |
| 19 | Riaz Ahmed             | B-39    | 14850 |
| 20 | Abdul Wajid            | D-13    | 8250  |
| 21 | Irfan Ali Khoso        | B-63/1  | 5000  |
| 22 | Naheed Khan            | B-63/2  | 5000  |
| 23 | Kamran Ali             | D-43/1  | 5650  |
| 24 | Yasir Ali              | C-78    | 8400  |
| 25 | Sahib Dino             | D-02    | 8908  |
| 26 | Hayat                  | D-26    | 10295 |
| 27 | Attaullah              | B-20    | 7425  |
| 28 | Rahmatullah            | B-20/1  | 7425  |
| 29 | Tahir Ali              | B-57    | 16560 |
| 30 | Saeed Ahmed            | B-39    | 14850 |
| 31 | Khan Muhammad          | B-52    | 14850 |
| 32 | Nisar Ahmed            | A-3     | 22275 |
| 33 | Adeel                  | A-06    | 22275 |
| 34 | Zahid Ali              | B-13    | 7425  |
| 35 | Ghulam Hyder Memon     | D-49    | 9450  |
| 36 | Aqib Ali               | B-51    | 14850 |
| 37 | Abu Bakar              | B-58    | 14680 |
| 38 | Imam Bux Dahar         | C-107   | 10543 |
| 39 | Abdul Qayoom Mako      | B-63    | 8876  |
| 40 | Irfan Ali Shah         | D-06    | 14400 |
| 41 | Syed Aamir Qadeer Shah | C-112   | 9450  |

10. It further transpired from the record, that even on completion of fresh allotment process, the following plots were lying vacant for want of any application for allotment:

| S. No | Plot No and Category | Area of Plot |
|-------|----------------------|--------------|
|-------|----------------------|--------------|



|     |        |               |
|-----|--------|---------------|
| 1.  | A-02   | 22275 Sq. ft. |
| 2.  | A-04   | 22275 Sq. ft. |
| 3.  | A-05   | 22275 Sq. ft. |
| 4.  | A-06   | 22275 Sq. ft. |
| 5.  | B-11   | 14850 Sq. ft. |
| 6.  | B-12   | 14850 Sq. ft. |
| 7.  | B-14   | 14850 Sq. ft. |
| 8.  | B-16   | 14850 Sq. ft. |
| 9.  | B-53   | 14850 Sq. ft. |
| 10. | C-75   | 11322 Sq. ft. |
| 11. | C-125  | 9450 Sq. ft.  |
| 12. | C-137  | 9450 Sq. ft.  |
| 13. | D-45   | 10000 Sq. ft. |
| 14. | D-46/1 | 2500 Sq. ft.  |

11. The Petitioners have challenged the cancellation orders, citing mala fides on the part of Respondents, but not a single instance of bias or ill will has been quoted to elicit that the Respondents acted under extraneous considerations. The allotment of the each of the Petitioner was cancelled after issuance of show cause notice; however, the Petitioners have asserted that they were condemned unheard. For better understanding, the Petitioners' cases are demonstrated in the tabular form to demonstrate the reasons for the cancellation of allotment:

| CPNo | Name of Allottee                     | Plot No               | Reasons for cancellation                                     |
|------|--------------------------------------|-----------------------|--|
| 1053 | Hazoor Bux son of Rasool Bux Mahar   | B - 33<br>14850 sq ft | Failure to construct & establish cattle pan                  |
| 1053 | Sikandar Ali son of Hazoor Bux Mahar | B - 12<br>14850 sq ft | Failure to construct & establish cattle pan                  |
| 1053 | Ashiq Ali son of Moula Bux Mahar     | B - 63<br>15000 sq ft | Failure to construct & establish cattle pan                  |
| 1053 | Abdul Ghaffar son of Moula Bux Mahar | B - 14<br>14850 sq ft | Failure to construct & establish cattle pan                  |
| 1053 | Rasool Bux son of Moula Bux Mahar    | B - 13<br>7425 sq ft  | Failure to construct & establish cattle pan                  |
| 1076 | Fozia Mahar w/o Badaruddin           | C - 125<br>9450 sq ft | Badaruddin Husband of Petitioner allottee of Plot No C - 124 |
| 1076 | Samina Naz Abassi w/o Abdul Karim    | D - 13<br>8250 sq ft  | Abdul Karim, husband of Petitioner allottee of Plot No B -24 |
| 1094 | Gulzar son of Eidan Mahr             | C -86<br>9450 sq ft   | Failure to construct & establish cattle pan                  |

|      |   |                       |   |
|------|---|-----------------------|---|
| 1110 | Taj Mohammed Soomro son of Nazar Mohammed   | D - 31<br>4690        | Failure to construct & establish cattle pan                               |
| 1145 | Sikandar Ali son of Sher Mohammed Mahar     | D - 33/1              | Failure to construct & establish cattle pan, erected residential building |
| 1148 | Manzoor Ahmed son of Maqbool Ahmed Mangrio  | B - 61<br>14850 sq ft | Failure to construct & establish cattle pan                               |
| 1148 | Allahando Khan son of Maqbool Ahmed Mangrio | B - 62<br>14850 sq ft | Failure to construct & establish cattle pan                               |
| 1215 | Farhan Ali son of Mushtaq Ali Chandio       | C - 78<br>8400 sq ft  | Failure to construct & establish cattle pan                               |
| 1231 | Aashir Masood son of Masood Rasool Mahar    | D - 45<br>10000 sq ft | Failure to construct & establish cattle pan                               |
| 1347 | Nida wife of Wajahat Ali                    | B - 39<br>14850 sq ft | Wajahat Ali, husband of the Petitioner allottee of plot No B - 26         |

12. We have examined cancellation orders issued by the Administrator, Cattle Colony Sukkur in CP No D 1053 of 2025, 1094/2025, 1110 of 2025, 1148of 2025, 1215 of 2025. The reason that weighed the Administrator Cattle Colony Sukkur to take action of cancellation of allotment was failure of allottees to establish cattle pans. Petitioners have annexed the photographs of cattle tethered in cattle colony, demonstrating that they were engaged in the diary business such version was not controverted by the Respondents through any rejoinder or other proof. The Learned Division Bench of this Court vide order dated 02.03.2021 passed in CPD No 99 of 2008 directed the Respondents to make Sukkur a cattle free city. Since sufficient number of cattle pans were still available in the Cattle Colony, instead of penalizing the petitioners with cancellation of allotment, they would have been afforded an opportunity to establish the cattle pans. If the petitioners were left out from allotment of plots in cattle colony, definitely they would not shift the cattle from city areas, thus the dream of Sukkur a cattle free city would not materialize.

13. We have examined the case of Petitioners Fozia, Samina Naz in CPD 1076 of 2025 and Nida in CPD 1347 of 2025. They have been ousted from cattle pan on the score that their spouses were allotted plots in cattle pans. The reason so assigned is not justified in any manner, as there is no allegation against the Petitioners that they were not engaged in diary business or they misused the provisional allotment already made in their favor. The Petitioners being women have right to do business independent of any relation. The

Petitioners enjoyed equal protection of law as that of men enshrined under article 4, 9, 18, 23 and 25 of the constitution. The Petitioners were entitled to retain the allotment of plots so long as they are engaged in diary business. The concept of dependence for grant of any benefit to a woman, which accrued as a matter of right was alien to law. The entitlement of the petitioners to do business cannot be denied on the ground of relationship that their husbands were also engaged in the same business. Right to do business is guaranteed under the constitution and could be exercised independently by a woman. Broadly speaking woman is an independent right holder, her rights were never linked to her marital status. The exclusion of a wife to do business when her husband was engaged in same business reflected a regressive, repressive and untenable conception, which is neither permissible under Islamic Law nor acceptable under the Laws of Land and under the constitutional command. Linking the civic and economic right of woman on her relationship to a man, had no backing of the law. The Constitution of the Country grants rights to the citizens under the concept of personhood, where women are equally protected and held equal in status to that of the men. The Constitution guarantees rights to individuals, not to marital units or prescribed social roles. Women are independent rights-bearing citizens, their rights were not linked to their relation as wife. Financial independence is pivotal to the independence of women, it results into a free, fair, hygienic and amicable environments to deal the affair in family.

14. It is fundamental right of every citizen to choose and conduct any profession, occupation, trade or business, but subject to the requisite qualifications, if any, prescribed by the law in that behalf and that further such profession etc. has not been declared unlawful or forbidden by any law as enshrined under Article 18 of the Constitution of Islamic Republic of Pakistan of 1973. Article 18 *ibid* is reproduced below for ease of reference:

**18. Freedom of trade, business or profession.**

Subject to such qualifications, if any, as may be prescribed by law, every citizen shall have the right to enter upon any lawful profession or occupation, and to conduct any lawful trade or business:

Provided that nothing in this Article shall prevent:

(a) the regulation of any trade or profession by a licensing system; or

- (b) the regulation of trade, commerce or industry in the interest of free competition therein; or
- (c) the carrying on, by the Federal Government or a Provincial Government, or by a corporation controlled by any such Government, of any trade, business, industry or service, to the exclusion, complete or partial, of other persons.

15. Bare reading of article 18 made it crystal clear, that the right to engage in lawful trade and business was not an unfettered right, the government can regulate the business by placing restrictions through licensing system or otherwise.

16. The Government can put reasonable restrictions on dairy business and regulate it in a way that falls in their domain. The regulations may include premises for cattle, fixing of milk and meat rates and dairy products. It is crystal clear that the provisional allotment of the plots in the cattle colony was given to the Petitioners subject to certain terms and conditions, violation thereof, could have entailed penal consequences. When confronted that whether any terms of references or conditions were formulated before issuing the earlier allotment orders in favor of the Petitioners and other persons. The Administrator Cattle Colony conceded frankly that no such policy rules were framed when earlier allotment was made. It is strange that plots were allotted in the Cattle Colony without framing any rules or policy, enabling the authorized officer to take penal action in case of any violation by the allottee. In absence of any policy it cannot be safely held that non - utilization of cattle pans by the Petitioners would entail the penal consequences in shape of cancellation of the allotment order.

17. It cannot be said that the action taken by the Respondents for cancellation of the plots of the Petitioners was illegal in toto. They were the Petitioners who did not comply with the earlier allotment orders and failed to establish cattle pans. Looking to the peculiar circumstances of the case that sufficient number of plots were lying vacant, therefore instead of denial, Petitioners should have been allowed another opportunity to establish the cattle pans within a specific period, on failure the allotments would have stood cancelled.

18. In case of Administrator, Market Committee, Kasur and 3 others v. Muhammad Sharif (1994 SCMR 1048), Honorable Supreme Court has held as follows:

*"In the present proceedings the precise question for determination is whether the respondents can challenge the authority of the Government to establish a new market under the Ordinance or the respondents may use the old market for the purpose of purchase and sale of their goods. The learned counsel emphatically argued that the respondents cannot be denied their constitutional right to transact business in old market as it offends their vested Fundamental Right No. 18 incorporated in the Constitution. The respondents, according to their own statement, are doing business in the old market, and their main grievance is that they should not be compelled to do their business in the new market. F.R. No. 18 permits a citizen to conduct any lawful trade and business but the Government may regulate the trade by a licensing system. Licensing system is itself a restraint on the trade, but the Constitution empowers the Government to impose reasonable restrictions. Reasonable restrictions authorised by the Constitution do not negate the Constitutional rights of a citizen to do business unhindered without any condition. A reasonable classification is always considered to be within the framework of the fundamental right. Law may regulate the mode of carrying on business in a market place. There is no bar of exercise the lawful trade but the interest of residents of the city should be guarded as a public policy. A right to do business does not guarantee a trader an uncontrolled privilege. The law has been enacted for the benefit of growers who are engaged in the trade. It is a beneficial legislation. To establish a market it is necessary to regulate the business in orderly fashion. A market may be established at a suitable place. A law regulating the trade and making prohibitions of doing business outside the market area does not offend the constitutional guarantee of freedom of trade. The right to do business in old market is not absolute. It is not the privilege of the respondents to do business in old market."*

19. The Petitioners by approaching the Respondents for restoration of allotment and filing instant petition have demonstrated their interest to establish the cattle pans. For the particular reason that if the allotment of the Petitioners will not be restored, they will not shift cattle in the Cattle Colony, resultantly Sukkur would face a persistent problem of cattle straying on the main roads, causing huge traffic and cleanliness issues. If the cattle sheds of the Petitioners would be closed, they would lose the right to earn livelihood, which would tantamount to offend their fundamental rights enshrined under article 4, 9, 14 and 18 of the Constitution. The penal action of cancellation of plots against the Petitioners when no terms and conditions or policy was in existence during the first round of allotments of plots in Cattle Colony was totally uncalled for.

20. For what has been discussed hereinabove, the Petitioners have made out a case for indulgence of this Court, we therefore dispose of the petitions in the following manner:

- i. **In CPD 1053 of 2025**, the Petitioners were allotted plots No B - 12, B -13, B -14, B -33 and B -63 respectively. In the fresh allotment process, the plots No B -13, B - 33 and B - 63 have been allotted to new allottees, who are not party in the present proceedings, therefore no adverse action can be taken against them. Since Plots No B -12, and B -14 remained unallotted, the same shall stand restored to the Petitioners. The remaining three petitioners may be allotted three plots separately in the same category if available or one plot in A category to be taken by them in equal share.
- ii. **In CPD 1076 of 2025**, Petitioners Fozia Mahar and Samina Naz Abassi were allotted plot No C -125 and D -13. The allotments were cancelled on the score that husbands of the Petitioners were also allottees of the plots in the cattle colony. As discussed supra, there was no justification in cancellation of plots on the said ground. Since there is no allegation that the petitioners after provisional allotment did not establish cattle pan on the plots, therefore, cancellation order is set at naught, allotment in favor of Petitioners stands restored. In fresh allotment process the plot No C -125 remained unallotted which stands restored to Petitioner Fozia Mahar. The Plot No D -13 has been allotted to other person, to secure the interest of new allottee, the Administrator cattle colony is directed to allot any other plot in D Category lying vacant to new allottee Abdul Majid instead of plot No D -13 which stands restored to Petitioner Samina Naz.
- iii. **In CPD No 1094 of 2025**, Petitioner Gulzar was allotted plot No C - 86, after fresh allotment process, the plot has been allotted to new allottee, who is not party in the present proceedings, therefore no adverse action can be taken against the new allottees. Since Three Plots in category C were still lying vacant, the Petitioner may be allotted a fresh plot in the said category.
- iv. **In CPD No 1110 of 2025**, Petitioner Taj Mohammed Soomro was allotted plot No D - 3, after the fresh allotment process, the plot has been allotted to new allottee, who is not party in the present proceedings, therefore no adverse action can be taken against

new allottees. Since one Plot in category D was still lying vacant, the Petitioner may be allotted a fresh plot in the said category.

- v. **In CPD No 1148 of 2025**, Petitioners Manzoor Ahmed and Allanhando Khan were allotted plots No B - 61 and B - 62. Since in the fresh allotment process, the subject plots have been allotted to new allottees, who are not party in the present proceedings, therefore no adverse action can be taken against the new allottees. Since Petitioners are brothers, they may be allotted one joint plot in A category in equal share or two plots in category B if available.
- vi. **In CPD No 1215 of 2025**, Petitioner Farhan Ali was allotted plot No C - 78, after fresh allotment process, the plot has been allotted to new allottee, who is not party in the present proceedings, therefore no adverse action can be taken against the new allottees. Since Three Plots in category C were still lying vacant, the Petitioner may be allotted a fresh plot in the said category.
- vii. **In CPD 1347 of 2025**, Petitioner Nida was allotted plot No B - 39. The allotment of Petitioner was cancelled on the score that husband of the Petitioner was also allottees of the plot in the cattle colony. As discussed supra, there was no justification in cancellation of plot on the said ground. Since there is no allegation that the petitioner after provisional allotment did not establish cattle pan on the plot, therefore, cancellation order is set at naught, allotment in favor of Petitioner stands restored. In fresh allotment process the plot No B - 39 has been allotted to other person, to secure interest of new allottee, the Administrator cattle colony is directed to allot alternate plot to allottee Riaz Ahmed instead of plot No B -39.
- viii. **In CPD 1145 of 2025**, Petitioner Sikandar Ali son of Sher Mohammed Mahar was allotted plot No D -3. The allotment of the Petitioner was cancelled for the reason that he constructed residential house on the plot. The plot allotted in the cattle colony cannot be used for any other purpose except to establish

cattle pan, which petitioner failed. The Petition therefore merits no consideration, which is accordingly dismissed. The Administrator Cattle Colony Sukkur shall ensure that the plot under the possession of petitioner is vacated within a period of one month from the date of this order and fresh allotment is tendered in accordance with law. The structure erected by the Petitioner shall be removed or may be utilized as animal dispensary if desired by the Administrator, for the purpose of evacuation the Senior Superintendent of Police Sukkur shall render full assistance to the Administrator cattle colony Sukkur as and when needed.

- ix. **In CPD 1231 of 2025**, Petitioner Aashir Masood son of Masood Rasool Mahar, was allotted plot No D -45. The allotment of the Petitioner was cancelled for the reason that he failed to establish the cattle pan. From record it transpired that the Petitioner was lawyer by profession, since he was not directly linked with diary business, we find no illegality in the impugned order of cancellation of plot. The Petition therefore merits no consideration, which is accordingly dismissed.
- x. We have examined the case of Sahib Dino Tanweri, Petitioner in CPD 1143 of 2025 he is allotted plot No D -02 vide allotment letter dated 28.06.2025 but he has not been given possession of the plot. The Administrator Cattle Colony shall ensure that the Petitioner is put into possession of plot No D - 02 within one month time from date of this order. Failure to comply with this order shall be deemed to be willful defiance and may expose the Respondents to penal consequences.

21. Before parting with the order, it will be appropriate to reiterate that the orders passed by this Court in CPD 99 of 2008 shall be implemented in its letter and spirit and Administration shall ensure Sukkur a cattle free city and shall take necessary measures in that regard which may include the time frame for the Cattle Farm Owners to relocate the cattle farms outside the Sukkur City. To ensure that no stray animals are allowed to roam freely within the limits of Sukkur city, the respective local government institutions in the Sukkur city and local police shall extend full cooperation with the



administration in that regard. To fix a time frame for the new allottees to establish their cattle pans in the designated cattle colony at the earliest which should be no later than six (06) months from the date of allotment. The administration may take appropriate action against the allottees which may result in the cancellation of their provisional allotment orders.

22. The Office is directed to send the copy of this Order to Respondents for compliance. Office to place signed copy of the orders in all the connected petitions. The Petitions stand disposed of along with listed applications, in the above terms.

**JUDGE**

**JUDGE**

Sukkur  
Dated. 08.09.2025  
Approved for Reporting