

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
C.P. No.D-2976 of 2026

DATE	ORDER WITH SIGNATURE OF JUDGE(S).
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- 1. For hearing of CMA No. 11960 of 2026
- 2. For hearing of main case.

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21.10.2026

Mr. Farooq Iftikhar Goraho, advocate for the petitioner alongwith petitioner.
Ms. Razia Ali Zaman, advocate for Intervener.
Mr. Faizan Hussain Memon, Addl. A.G. Sindh.
Mr. Yar Muhammad, Consultant Legal Transport Department.
Abdul Hameed Gabol, DSP Traffic, Steel Town District Malir.
SIP Gul Munir, P.S. Shah Latif Malir, SIP Deedar Hussain, P.S. Mochco and SIP
Munir Ahmed Abbasi, on behalf of SSP Thatta.

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1 & 2. We have examined the comments filed on behalf of the Secretary, Provincial Transport Authority, Sindh, Karachi. Mr. Yar Muhammad, Consultant (Legal), appearing on behalf of respondent No.6, submits that the petitioner has approached this Court without availing himself of the alternate remedy available under the law. He, therefore, contends that the instant petition is not maintainable and is liable to be dismissed.

However, upon examination of the comments and the material available on record, it transpires that the Secretary, Regional Transport Authority (RTA), cancelled the petitioner's route permit without issuing any prior notice or affording him an opportunity of hearing. It further appears that the complaint forming the basis of such cancellation was itself decided ex parte, without providing the petitioner an opportunity to contest the allegations levelled against him.

It is a settled principle of law that an administrative or quasi-judicial authority, while exercising powers entailing adverse civil consequences, is required to act fairly, reasonably and in conformity with the principles of natural justice. The rule of *audi alteram partem*, which mandates that no person shall be condemned unheard, is a fundamental requirement of due process. An order passed in violation of this principle, particularly where the rights or interests of an affected person are adversely determined without notice or opportunity of hearing, cannot ordinarily be sustained. In the present case, the failure to afford the petitioner an opportunity of hearing before cancellation of his route permit constitutes a fundamental procedural defect, rendering the impugned action legally unsustainable. In these circumstances, the objection regarding availability of an alternate remedy does not preclude

this Court from exercising its constitutional jurisdiction, particularly where the impugned action suffers from a violation of the principles of natural justice.

Consequently, the instant petition is allowed, and the impugned order dated 08.05.2026, available at page 99 of the Court file, is hereby set aside. The matter is remanded to the Secretary, Regional Transport Authority (RTA), for fresh consideration and decision, after issuing notices to the petitioner and all other concerned parties, affording them a reasonable opportunity of hearing and considering the relevant material placed before the authority. A fresh, reasoned order shall thereafter be passed strictly in accordance with law, preferably within two (02) months from the date of receipt of a copy of this order.

It is clarified that this Court has not expressed any opinion on the merits of the controversy or the petitioner's entitlement to retain the route permit. All such questions shall be determined independently by the competent authority, strictly in accordance with law, without being influenced by any observation made herein.

The petition, along with the pending application, stands disposed of in the above term.

JUDGE
HEAD OF CONST. BENCHES

JUDGE

Sajid