

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA

Constitution Petition No. D-584 of 2026.

Before:
Mr. Justice Riazat Ali Sahar,
Mr. Justice Ali Haider 'Ada'.

Petitioners:

Ramesh Lal and others, through Mr. Ghulam Mustafa Magsi, Advocate.

Versus

Respondents:

Province of Sindh and others, through Mr. Mohsin Ali Khan, Assistant Advocate General, along with Zarar Khan, Assistant Commissioner Kandhkot, on behalf of Deputy Commissioner Kandhkot, Dr. Adnan Tunio, Assistant Commissioner Khairpur Nathan Shah on behalf of Deputy Commissioner Dadu, Agha Aurangzeb, Assistant Food Controller, Shikarpur, and Raja Darya Khan Qureshi, Assistant Commissioner, on behalf of Larkana.

Date of Hearing: 12.08.2026.

Date of Judgment: 02.09.2026.

ORDER

Ali Haider 'Ada J:- Through the instant petition, the petitioners have asserted that they are holders of valid licenses issued under the Sindh Food Grains (Licensing Control) Order, 1957, authorizing them to keep and store wheat stocks within the prescribed limits. It is further contended that the Food Department, Government of Sindh, vide Notification dated 08.07.2026, permitted license holders to retain the maximum permissible quantity of wheat stock at any given time. According to the petitioners, despite such authorization, the respondents, the District Food Controllers and other functionaries of the Food Department, unlawfully interfered with their business activities, conducted unnecessary inspections of their godowns and proceeded to seal the wheat stocks without any lawful authority or justification. Such alleged coercive and unauthorized actions

have been called into question by the petitioners through the instant petition.

2. On the other hand, the respondents from the Food Department, including the Deputy Director Food, Larkana Region, and the District Food Controllers of Larkana, Shikarpur and Kashmore, jointly submitted their para-wise comments. They maintained that the Notification relied upon by the petitioners was issued in the larger public interest with the object of regulating wheat stocks, preventing hoarding and profiteering, and ensuring the availability of wheat throughout the Province. It was further contended that the concerned authorities are fully empowered under the relevant law to inspect the premises and take appropriate action against any person found violating the prescribed stock limits. In support of their stance, the respondents relied upon Notification dated 12.06.2026 issued by the Food Department, Government of Sindh, whereby directions were issued for taking immediate action against unauthorized hoarders and speculators. They also referred to the decision of the Provincial Cabinet whereby similar measures were approved to curb illegal stocking and related practices. The respondents further asserted that petitioner Nos.1 and 8 do not possess valid licenses, they sought dismissal of the instant petition.

3. The other respondents, namely, the Deputy Commissioner, Kashmore-Kandhkot, and the Senior Superintendent of Police, Shikarpur, submitted their respective comments, disclosing that certain FIRs had been registered by the Food Department in connection with the alleged theft of wheat stocks. Their comments have also been taken on record.

4. Learned counsel for the petitioners mainly contended that the applicable law permits the petitioners to carry on the business of storing and dealing in wheat subject to the terms and conditions of their respective licenses. According to learned counsel, the functionaries of the Food Department, without any lawful justification, interfered with the petitioners' legitimate business activities and sealed their premises and wheat stocks, thereby causing them substantial financial loss. It was

further argued that the petitioners had not committed any violation of the prescribed stock limits and that the impugned actions of the respondents were therefore without lawful authority and jurisdiction. Learned counsel further submitted that the petitioners apprehend continued interference and coercive action at the hands of the respondents.

5. Conversely, learned Assistant Advocate General, appearing for the respondents, submitted that the petitioners had themselves obstructed the officials of the Food Department in the discharge of their lawful duties and had not permitted the authorities to carry out proper inspection and verification of the wheat stocks. It was argued that the Provincial Government has taken serious measures to regulate the storage of wheat and to curb hoarding and speculative activities, particularly where stocks are maintained beyond the prescribed limits. According to learned AAG, such unlawful stocking has serious economic consequences, including disruption of the supply chain and an increase in the cost of essential commodities, thereby adversely affecting the general public. He further contended that the petitioners had not approached this Court with clean hands and, therefore, were not entitled to the relief sought through the instant petition. Learned AAG accordingly prayed for dismissal of the petition.

6. Heard learned counsel for the parties and perused the material available on record, including the respective comments and the notifications relied upon by the parties. The relevant provisions of law have also been examined.

7. First of all, it is necessary to examine whether the applicable law provides a mechanism for dealing with a person found to be holding wheat stock in excess of the prescribed limits. In this regard, the Sindh Food grains (Licensing Control) Order, 1957, (formerly known as the West Pakistan Food grains Licensing Control Order, 1957), provides a specific mechanism under clause 7 thereof. The said provision empowers the Licensing Authority to require any person, or class of persons, holding stocks in excess of the normal quantity prescribed by the Government

from time to time, to furnish the requisite information and comply with such directions as may be issued in accordance with law.

8. In the present case, the petitioners, being license holders, are required to demonstrate that the quantity of wheat stock maintained by them is within the permissible limits prescribed under the applicable law. It is, therefore, incumbent upon the petitioners to produce their stock registers and other relevant record before the competent authority so as to establish the actual quantity of wheat in their possession and to demonstrate that the same did not exceed the prescribed limits. However, no such exercise appears to have been undertaken by the petitioners during the proceedings, nor have they placed sufficient material on record to establish, with reference to their stock registers or other contemporaneous record, that the stocks maintained by them are within the permissible limits.

9. In such circumstances, the competent authority cannot be said to have acted without jurisdiction merely by requiring the petitioners to produce the relevant record, conducting inspection of their godowns and verifying the quantity of wheat stock maintained therein. The authority is competent under the applicable law to enquire into the quantity of stock, inspect the premises, require production of relevant information and record, and determine whether the stock maintained by a license holder exceeds the permissible limit. If, upon such lawful verification and inquiry, any violation is found, the same may be dealt with by the competent authority strictly in accordance with law.

10. Furthermore, Article 11 of the said Order confers additional powers upon the competent authority for the more effective enforcement of the provisions thereof. The said provision authorizes the concerned officer, in the circumstances contemplated by law, to enter and search any premises and to seize any quantity of food grains in respect of which a contravention is found or reasonably suspected, besides inspecting the documents and records relating thereto. The purpose of such provision is evidently to enable the competent authority to ascertain whether the

quantity of food grains stored at any premises is within the limits prescribed under the law and to take appropriate action where a violation is detected.

11. In the present case, however, the petitioners have not placed on record any cogent material; particularly their stock registers or other of that period record, showing the actual quantity of wheat held by them at the relevant time and demonstrating that such quantity remained within the permissible limits. Mere production or annexation of a license cannot, by itself, confer a right upon the license holder to retain or store wheat in excess quantity or to claim immunity from lawful inspection and verification. A license merely authorizes the holder to carry on the regulated activity subject to the terms and conditions imposed by the applicable law; it does not authorize any act in contravention thereof.

12. It is pertinent to note that, except in the case of petitioner Nos.1 and 8, neither the concerned department has seriously disputed the validity of the licenses nor have the petitioners themselves been able to demonstrate that any order cancelling or suspending their respective licenses has been passed by the competent authority. Thus, insofar as the other petitioners are concerned, their licenses continue to remain operative and regulated by the applicable law. If, however, the competent authority forms the opinion that any license has been obtained, continued or utilized in violation of the prescribed conditions, it is always open to such authority to initiate appropriate proceedings in accordance with law. Needless to observe, any such order or action, if adverse to the petitioners, would be amenable to challenge before the appropriate forum in accordance with the prescribed legal mechanism.

13. At the same time, the competent authority is required to exercise its statutory powers strictly within the parameters of the law. Any inspection, search, seizure or other consequential action must be undertaken in accordance with the procedure prescribed by the relevant provisions and on the basis of lawful and reasonable grounds. The respondents, being

public functionaries, are under a corresponding obligation to act fairly, justly, reasonably and in accordance with law.

14. It is also pertinent to observe that the laws and regulatory measures in question have been framed in the larger public interest, with the object of ensuring adequate availability of food grains for supply to the public at large and preventing hoarding, profiteering and the creation of an artificial shortage. At the same time, the regulatory framework cannot be applied in a manner that causes unwarranted hardship to genuine growers, producers, traders or license holders who, in the ordinary course of their business, may have quantities of food grains within the permissible limits at their premises or godowns.

15. In view of the foregoing discussion, we find that the petitioners have failed to establish that the respondents, merely by undertaking lawful inspection and verification of the wheat stocks, have acted without lawful authority or jurisdiction. The petitioners have also failed to place sufficient material on record demonstrating that the stocks maintained by them were within the permissible limits prescribed under the applicable law. At the same time, the respondents are expected to ensure that any inspection, search, seizure or other measure is undertaken strictly in accordance with the relevant statutory provisions and upon proper verification of the alleged contravention.

16. For the foregoing reasons and in the circumstances discussed above, the instant petition, being misconceived and devoid of merit, is hereby dismissed.

JUDGE

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