

IN THE LAHORE HIGH COURT LAHORE

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Lahore High Court, Lahore

W.P. No. 15813-----2012

Caffees Association through its Director Naseer Malik son of Malik Muhammad Sadeeq resident of House No.12, Phase-2, Defence Lahore cantt. Lahore.

PETITIONER

VERSUS

- 1 Province of the Punjab through its Secretary Local Govt. Punjab, Lahore.
- 2 Secretary Environment Punjab, National Hockey Stadium, Lahore.
- 3 Inspector General Punjab Police Lahore.
- 4 SSP Operation Lahore
- 5 District Co ordination Officer Lahore
- 6 Tehsil Municipal Officer Gulberg Town Lahore
- 7 District officer Environment Lahore
- 8 Ali Raza Inspector Environment CDGL town hall Lahore
- 9 Station House Officer Police Station Gulberg, Lahore.
- 10 Unknown police officials and private persons.

RESPONDENTS

**WRIT PETITION UNDER ARTICLE 199 OF THE
CONSTITUTION OF ISLAMIC REPUBLIC OF
PAKISTAN 1973.**

RESPECTFULLY SHEWETH:-

1. That the name and addresses of the parties have correctly been given in the head note of this writ petition and are sufficient for the purpose of effecting services and all other allied communications to service the summons to the parties.

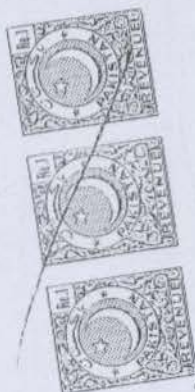


2. That brief facts giving rise to the filling of this instant writ petition are precisely submitted that the petitioners are proprietor of different huqqa cafes in Lahore cities since the years throughout the Lahore in accordance with enabling laws, rules and regulations and running his businesses of cafe as mentioned supra.

3. That the petitioners are running their businesses to provide services for refreshment to the subjects of Pakistan as to international Mechanism where as some sort of HUQQA restaurants has been erected by the petitioners and it will be out of place to mention here that it has been orchestrated only for serving HUQQA. It may be contemplated that it is a separate place organized by the petitioners for specific peoples , in fact it will be pertinent to mention here that it is a specific area covered in specific formation having written crystal clear on the holding boards out side the cafe where specific peoples come to whom it may concern and further more the peoples come here having get the rid of stresses.

That last week respondents no 6 to 9 with some unknown police official and some other unknown private persons rushed into all the HUQQA RESTAURANTS of the Lahore and created a some sort of distress rioting and

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affray in the Lahore city having beatening the notable and respected customers sitting in the cafes and the employees some were arrested and illegally detained and all the kitchen holds things huqqas were took into possession and with loud noise not to run was asked further having threatening the dire consequences. it is pertinent to mention here that this all exercise was done without giving and serving any sort of notice oral and in written form.

5. That during this drama orchestrated by the said respondents the petitioners asked to the respondents for any authority, an notice any order issued by the Govt. of the Punjab, the response was a shut up call other wise to face dire eventualities. it will be out of place to mention here that the petitioners also presented the order of the Honorable Lahore High Court Lahore Justice KHALID MEHMOOD KHAN in Writ Petition No. 14489/11 and 6110/11 but that was flouted in the air having adverse remarks. That is attached as **ANNEXURE-A**.

6. That the petitioners submitted an application for registration of criminal case against the responsables peoples so the respondents issued an impugned notices to the petitioner for saving themselves from the eyes of

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law having mentioned with previous dates .impugned notices are attached as **ANNEXURE-B.**

7. That petitioners have had submitted the applications before the Inspector General Punjab Police Lahore regarding this matter not to take an illegal actions against the businesses of the petitioner. It will not be extra vagant to mention here the board was established by the I .G Punjab and that was headed by himself ,CCPO Lahore, DIG Operation Punjab, AIG Operation Punjab Legal adviser RCAP, Agha khan member executive committee RCAP Lahore .Report is annexed as **ANNEXURE-C.**

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That now the situation is that respondent no 4 and 5 are taking action for sealing all caffes including the cafe of the petitioner and the petitioners are small businessmen who collected all their earning and invested upon the cafe respectively and earning their bread and butter within the rule and regulations and law of the country.

9. That that it is also important to give into the notice of honorable court that the SHESHA is latest and developed form of HUQQA containing 0.05% Nicotine and the Cigarette contain 16% Nicotine so there is no bars or restriction imposed upon the Cigarette and it is very

improper and unjust with the petitioners to struck of the business of the petitioner with a single stroke of pen

10. That the article 18 of the Constitution of the Islamic Republic of Pakistan 1973 guaranteed the freedom of law full business in the country therefore the state functionaries like respondent are duty bound to note there head compliance of the order of the apex courts as well as constitution, but in the present case, respondents have badly been failed to perform their duty in accordance with law and are disturbing the petitioners from doing their law full business.

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That the petitioners ran pillar to post for the redressal of their grievance but the voice of the petitioners were not heard in deaf corridors of the powers and no one is ready to turn his deaf ear to the strikes of the petitioners, therefore the petitioners beg for the special indulgence of this honorable court



That there is no alternative and efficacious speedy remedy available to the petitioners except to invoke the constitutional jurisdiction of this honorable court. Hence this petitioner the following amongst other

GROUND

- a. That the act of the respondents stand in clear violation of article 18 of the Islamic Republic of Pakistan which clearly states that every citizen has a light to conduct his business in accordance with law.
- b. That acts of the respondents to illegally arrest and detain the staff of the cafes owner in the city stands in clear violation of Article 10 of the Constitution of the Islamic Republic of Pakistan, 1973.
- c. That the illegal and unlawful acts of the respondents have not only caused loss to the cafes owners but have also violated their fundamental rights as protected and safeguard by the constitution.
- d. That the notification issued by the respondent no 7 and 8 is motivated, stinking, unlawful, illegal, unwarranted, nasty and have no force in the eyes of law

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PRAYER

It is respectfully prayed that impugned show cause notice dated 9.6. 2012 issued by the respondent no 7 and 8 may kindly be declared illegal ,null and void and have no force in the eyes of law

It is further prayed the respondents may kindly be restrained harassing the cafes owner and their customers without any just and cause by doing illegal, unlawful acts

of restraining the cafes from serving SHESHAS and it is also prayed the respondent may kindly be directed for permanent abhorrence to arrest and illegal detention of the staff and taking into possession the kitchen hold things and material of the cafes and to remain with in four corners of the law.

Meanwhile ,no adverse action is contemplated to be taken and no other cause of harassment may be made during the pendency of this writ petition.

Naseer M
PETITIONER

THROUGH

[Signature]
CH. SHAHNAWAZ DHILOON
Advocate High Court
C No.P-BN-39211

[Signature]
CH. NASEER AHMAD BHUTTA
Advocate High Court
C.C.NO.PLH-1758

[Signature]
FARHAN ULLHA MUSHTAQ
Advocate High Court

[Signature]
MIAN ADIL HUSSAIN
Advocate

BHUTTA LAW ASSOCIATES

1-Shah Chiragh Chambers,
The Mall, Lahore.

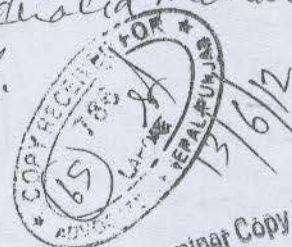
Dated: 13.06.2012

CERTIFICATE:-

That this is the first Writ Petition before this Hon'ble Court on the subject matter as per instructions of the client.

[Signature]
Advocate

writ petition No: 14489/12 is already heard by justice *Muhammad Mehmood Khan* order is attached.



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Authorized Under Article 87
Qanun-e-Shahadat Order 1988

12/03/9
Petition No.
Case No.
Date of Presentation of Application. 26/6/12
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Date of Delivery of Copy. 30/6/12