

IN THE ISLAMABAD HIGH COURT, ISLAMABAD

For Private Use

W.P. No. 1517/2013

11.9.13

Examination
Copy Submitted
Islamabad High Court
Islamabad

Bilal Babar Khokar, son of Babar Saleem Khokar, resident of House No.66,
Street No.62, G-6/4, Islamabad.

.....Petitioner

Vs.

1. Assistant Commissioner City, Islamabad, namely Mr. Muhammad Ali Ch.
2. SHO, P.S. Kohsar, Islamabad.
3. ASI Sohail Akram, P.S. Kohsar, Islamabad.

.....Respondents

*Writ Petition under Article 199, 4 & 18 of the Constitution of the
Islamic Republic of Pakistan, 1973.*

Respectfully Sheweth:-

Filed to Day-Till
D. No. 1080
Assistant Registrar



1. The petitioner and his brothers are running their business of restaurant in the name and style of "Café Burn-Out" in Ammar Centre, F-7 Markaz, Islamabad.
2. On 05-04-2013 at about 8.30 p.m. the respondent No.1 entered the restaurant of the petitioner and inquired about the supply of hukka (sheesha) from the manager namely Mr. Khaliq Mehmood Tanoli who apprised him that since the last fine on this account the provision of

... it was the grudge.

ORDER SHEETIN THE ISLAMABAD HIGH COURT, ISLAMABAD
JUDICIAL DEPARTMENTWRIT PETITION NO.1517/2013BILAL BABAR KHOKHAR
VERSUS.
ASSISTANT COMMISSIONER CITY ISB, ETC

Serial No. of order of proceeding.	Date or order of proceedings	Order with signatures of judge, and that of parties or counsel, where necessary.
1	2	3

11.04.2013

Mr. Zulfiqar Khalid Maluka, learned ASC.

ORDERMuhammad Anwar Khan Kasi, CJ

The petitioner has prayed for the following relief;

"That the Hon'able High Court may graciously be pleased to direct the respondents to act in accordance with law in view of Article 4 & 18 of the Constitution and further to desist from stopping the petitioner from running his lawful business of restaurant in the name and style of "Café Burn-Out" in Anmar Centre, F-7 Markaz, Islamabad, as the same is his fundamental right".

As a consequential relief, the respondents be directed to desist from interfering in running of the petitioner's restaurant or taking any other illegal action/stop".

2- It is submitted that the respondent No.1 had entered his cafe and alleged that the Sheesha is being supplied for smoking to the youth, and for this allegation a qalandra was submitted against him, which was without any legal and lawful justification.

3- It is further submitted that petitioner has got every right to run his lawful business and the respondents cannot threaten him for illegal gains.

4- Heard and record perused.

5- Record reveals that the qalandra under Section 8, 9 & 10 of the Prohibition of Smoking and Protection of Non-Smokers Ordinance, 2002, was submitted to the court of

Assistant Commissioner (City) by S.H.O P.S Kohsaar, where the petitioner appeared on 26.11.2012 and pleaded

Certified to be True Copy

11.9.13

Examiner
Court of Session
Islamabad

guilty, whereupon the court fined him for Rs.15,000/-and disposed of the case. The order of conviction was never challenged and still holds the field.

6- In such view of the matter, no illegality seems to have been committed by the respondents and the learned counsel failed to point out violation of any fundamental right.

7- For the foregoing reasons, the petition being devoid of merits is dismissed in limine.

S.d
(CHIEF JUSTICE)

Certified to be True Copy

11.9.13

Section
1984

Mirza Asmer Aliq.