

ORDER SHEET

IN THE HIGH COURT OF SINDH, KARACHI
C.P. No.D-6020 of 2025
(*Ibrahim v Province of Sindh & others*)

Date

Order with signature of Judge

Mr. Justice Adnan-ul-Karim Memon
Mr. Justice Abdul Mobeen Lakho

Date of hearing and order:- 20.01.2026

Mr. Munsif Jan advocate for the petitioner.
Mr. Munawar Ali Memo advocate for Intervener.
Mr. Mehran Khan AAG.

Adnan-ul-Karim Memon, J. – The petitioner has filed the captioned Constitutional Petition under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, with the following prayer: -

- a. *To declare the impugned letter dated 04.11.2025 issued by the Assistant Registrar Cooperative Societies IV, Karachi, is illegal, unlawful, and against the rules and regulations of the society.*
- b. *To suspend/cancel the impugned letter dated 04.11.2025 issued by the Assistant Registrar Cooperative Societies IV, Karachi.*
- c. *To direct the respondents to issue/notify the elected committee of New Gulshan-e-Faizan Cooperative Housing Ltd, Karachi.*
- d. *To grant status quo order in favor of the petitioner, and direction may be given to the respondents not to issue further notification/order against New Gulshan-e-Faizan Cooperative Housing Ltd. Karachi till final disposal of the instant petition.*
- e. *Grant any other relief deemed just and proper in the circumstances.*

2. The case of petitioner is that he is the General Secretary of New Gulshan-e-Faizan Cooperative Housing Society Ltd., Karachi. On 12.08.2025, Respondent No.4 issued a notice informing that elections for President and the entire Managing Committee would be held on 14.09.2025, and the petitioner was nominated by the Registrar on 08.08.2025. However, on 13.08.2025, Respondent No.5 published the election notice in *Daily Nawa-e-Waqt*. However, on 06.10.2025, Respondent No.5 submitted the final election report to the Registrar, stating that 11 candidates were elected unopposed as President and Committee Members, consequently, on 01.11.2025 and 02.11.2025, he was appointed Secretary of the Society. Later on 02.11.2025, the first Committee meeting was held, where M. Hanif was elected Chairman, petitioner as Secretary and Hassan Abdul Hameed as Finance Secretary, subsequently, Minutes were published on 04.11.2025. It is urged that on 04.11.2025, the Assistant Registrar issued a letter restraining the petitioner from performing any duties until official notification of

the Committee, which triggered the cause to the petitioner to file the instant petition.

3. Learned counsel for the petitioner submitted that the letter dated 04.11.2025 is illegal, unlawful, and beyond the jurisdiction of the Assistant Registrar, therefore, is liable to be set aside. He submitted that Respondent No.4 conducted elections legally, yet the Assistant Registrar interfered and intent to hold fresh election. He argued that the acts violate society's bylaws and principles of natural justice. He submitted that the petitioner has suffered mental distress due to these illegal acts. He prayed to allow this Petition.

4. During proceedings, learned AAG informed that the competent authority has passed the order dated 16.12.2025 on the plea that Registrar, Cooperative Societies Sindh, observed that the subject election process lacked transparency; final lists did not match the submitted report. Fresh elections were ordered to be conducted under the supervision of the Assistant Registrar (ABN), within 30 days in accordance with the Act, Rules, and Society By-laws, ensuring transparency and neutrality. He prayed to dismiss the petition.

5. The applicant/intervener submits that the petitioner has filed a constitutional petition while concealing material facts and not impleading the applicant and other society members as parties in the proceedings. The applicant and other members are aggrieved by the election report dated 06.10.2025 submitted by Respondent No.5, which included fabricated members and rejected legitimate nominations. He submitted that the applicant, an elected Chairman, had earlier applied for the appointment of an observer for the Annual General Body Meeting held on 31-07-2025, but the Registrar appointed Respondent No.5 to conduct a Special General Body Meeting, ignoring the request. The applicant submitted all required nomination papers, No Dues Certificates, and paid-up share capital before the deadline. He submitted that Respondent No.5's report of 06-10-2025 is fabricated, and upon discovery, the applicant complained to the Registrar on 31-10-2025, prompting an inquiry and stay of notifications. Despite this, the petitioner held a meeting of a "fake" managing committee on 02-11-2025, and the Assistant Registrar issued a restraining letter on 04-11-2025. He finally submitted that the petitioner has approached this Court without clean hands and intends to usurp society property, including ST Plot No.06 reserved as an amenity. He prayed to allow the application by dismissing the instant petition.

6. The petitioner's claim prima facie lacks merit on the analogy that the election of the New Gulshan-e-Faizan Cooperative Housing Society Ltd. was a later stage and was found fraught with certain irregularities. The petitioner assumed office as Secretary despite ongoing disputes regarding the legitimacy of

the election process and without proper notification to all interested members. The election report dated 06-10-2025, submitted by Respondent No.5, with the conclusion that by inclusion of fabricated members and rejection of legitimate nominations, which materially affected the rights of the society's members, including the applicant/intervener, as alleged. The petitioner filed this constitutional petition without impleading all affected members. The Registrar Cooperative Societies, Sindh, on 16-12-2025, noted the lack of transparency in the election process and ordered fresh elections under the supervision of the Assistant Registrar to ensure compliance with law, society by-laws, and neutrality.

7. In such circumstances, without addressing the merits of the case, this Court cannot decide the disputed facts, as both parties claim and counterclaim; the aggrieved party must approach the competent forum for relief according to law, if their cause still subsists in view of the latest development in the case as discussed supra. This petition stands dismissed along with pending application(s).

JUDGE

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