

Order Sheet

HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

CP No. D- 1640 of 2025

[Syed Safdar Abbas and others v. Province of Sindh & others]

Before :

Mr. Justice Adnan-ul-Karim Memon

Mr. Justice Riazat Ali Sahar

Petitioner : Through Mr. Rizwan Ahmed Khanzada Advocate

Respondents : Mr. Irfanullah Khan Naghar for respondents 4, 5 & 6.

Mr. Rafiq Ahmed Dahri, Asstt: A.G.

Date of Hearing
& Decision: 09.12.2025

ORDER

ADNAN-UL-KARIM MEMON, J.- Through the captioned Constitutional Petitions, the Petitioners have prayed as under:-

- a. To call report from official Respondents No. 1, 2 & 3.
- b. Direct the respondent No.1, “Secretary Industries & Commerce Department to appoint the Administrator of said Masjid as he is empowered under Section 16-A of Societies Registration Act 1860, without delay, to avoid any unlawful act and unhappened.
- c. Restrain the private Respondents to not taking any interference in masjid affairs till the Decision of this Petition and follow the directions of respondent No.2 (PAR).

2. The petitioner is a Namazi of Anjuman Markazi Masjid, located in Sadat Colony, Latifabad No. 9, Hyderabad. The Masjid is a sacred place of worship. Prior to the involvement of respondents, its management was administered by a committee duly registered with Provincial Assistant Registrar, Joint Stock Companies & Societies, Hyderabad (Respondent No. 2). The present committee, without lawful authority, attempted to conduct elections for the Masjid’s management. The petitioner submitted an application to Chairman Election Committee of the Masjid, highlighting significant procedural irregularities; however, the Chairman failed to address these concerns. Consequently, the petitioner approached Respondent No.2, who restrained the Election Committee from holding any election. On this restraint, petitioner who had initially submitted a nomination form was compelled to withdraw from the election. Nevertheless, the Election Committee disregarded these directions and proceeded with the elections. The petitioner issued legal notices to the Election Committee, but no response was received. Subsequently, the newly elected committee, without obtaining

consent from the community, demolished the Mehrab and Mimber of the Masjid, initiated construction work, and changed the Masjid's name from "Anjuman Markazi Masjid Sadat Colony" to "Masjid Dar-e-Ali." The actions of the purported committee not only constitute a blatant violation of the restraining order issued by the Provincial Assistant Registrar but also amount to a serious infringement of the community's religious rights. Finding no alternative remedy, the petitioner has filed the present constitutional petition.

3. Upon issuance of notice, Respondent No.2, the Provincial Assistant Registrar, Joint Stock Companies Hyderabad Region, submitted that he had received multiple complaints from the petitioners as well as other residents and Namazis of the Mohallah regarding irregularities in the election process. These complaints were forwarded to the Election Committee for their response, but no reply was received. He further asserted that, through letter dated 13.06.2025, he directed the Election Committee to refrain from conducting the elections. In compliance with his directive, one panel namely the Ghageer Panel abstained from participating in the election; however, the other panel, known as Khudam-e-Sadat Panel, disregarded the order and unlawfully proceeded to constitute a commission and declared themselves as elected body, in violation of the registered by-laws. He concluded by stating that no government department has any interest or involvement in the matter.

4. Learned AAG submitted that, as per the reports furnished by SDPO Hussainabad and the SHO B-Section, a dispute is ongoing between the parties concerning the affairs of Anjuman Markazi Masjid, Sadat Colony, Latifabad No.9, Hyderabad. Previously, with the mutual consent of both sides, elections had been scheduled for 14-06-2025. However, one day prior to the elections, objections were raised, and a complaint was submitted. Acting upon the said complaint, the Registrar issued directions requiring both parties to submit their voter lists and membership forms to the Chief Election Commissioner at the Registrar's office on or before 20-06-2025. Despite these directives, the elections were conducted on 14-06-2025 following a meeting held by the Election Committee and its Chairman on the same day. He submitted that the petitioner has objected to the holding of elections in violation of the Registrar's instructions. The petitioner has also asserted that amendments to the by-laws were made by the previous committee, in which proceedings he himself was present at serial No. 5. Additionally, construction work relating to the mosque and adjoining shops is presently underway under the supervision of current committee, which the petitioner likewise opposes. It is also noteworthy that the petitioner has previously filed multiple applications before the VIIIth Additional Sessions Court, Hyderabad, which remain sub judice. In light of the above, he prayed to dismiss the petition.

5. The petition, as framed, is not maintainable under Article 199 of the Constitution, as the dispute pertains to internal affairs of a registered Masjid Committee, involves factual controversies, and adequate alternate remedies are available before the competent civil/registrar forums. No direct infringement of fundamental rights by any public authority has been established. However, the petitioner is at liberty to avail appropriate remedies before the competent forum under relevant laws, for resolution of the dispute according to law.

JUDGE

JUDGE

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