

HIGH COURT OF SINDH CIRCUIT COURT, HYDERABAD

C.P. No.D-1736 of 2025

[Munawar Ali Narejo vs. Province of Sindh and others]

BEFORE:

**JUSTICE ADNAN-UL-KARIM MEMON
JUSTICE RIAZAT ALI SAHAR**

Mr. Ayaz Hussain Tunio, Advocate for Petitioner

Mr. Rafiq Ahmed Dahri, Asstt: A.G., along with Ali Hyder Abro, Assistant Registrar, Cooperative Societies, Jamshoro

Date of hearing & decision: 02.12.2025

ORDER

ADNAN-UL-KARIM MEMON J.- The petitioner, through this Constitutional Petition, has prayed as follows:-

- a) That this Honorable court may be pleased to set aside the impugned notification No.SO (SA) II/2010/258 dated 15.09.2025 issued by the respondent No.1 whereby dissolved the elected body.
- b) That this Honorable court may be pleased to suspend the operation of the impugned notification No.SO (SA)II/2010/258 dated 15.09.2025 issued by the respondent No.1 till the final decision of this petition.
- c) That, this Honourable court may be pleased to direct the respondents No.1 to 5 to de-seal the office of Sindh University Employees Cooperative Housing Society Limited, Jamshoro.
- d) That this Honourable court may be pleased to conduct an inquiry against respondent No.5, who has committed embezzlement in other housing societies being Administrator.
- e) Any other relief which this Honourable court deems fit and proper may be awarded to the applicant.

2. The Petitioner is the Secretary of Sindh University Employees Cooperative Housing Society, Jamshoro (SUECHS), registered with Respondent No.2. After the enforcement of the Sindh Cooperative Societies Act, 2020, Respondent No.2 was legally obliged to conduct elections, but failed to do so. Consequently, the Petitioner filed CP No. D-1695 of 2024, and pursuant to the Court's order dated 14.11.2024, elections were conducted under the supervision of the department. The Petitioner was elected as a Member of the Managing Committee with 95% votes and subsequently appointed as Honorary Secretary, taking charge of daily affairs. Following the Petitioner's appointment, certain elements attempted to hijack the Society, spreading rumors about appointing an Administrator. The Petitioner submitted applications on 09.12.2024 and

28.02.2025 requesting protection of the Society's amenity plots and legal support, but the department ignored them. On 15.09.2025, a notification (No. SO (SA)II/2010/258) dissolved the elected Management Committee and appointed Mr. Muhammad Hanif Utero as Administrator. On 16.09.2025, Respondent No.5, along with others, sealed the Society office and dispossessed the Petitioner and staff without explanation. In response, the members convened a General Body Meeting, unanimously declaring the Administrator's appointment illegal and expressing full confidence in the elected body.

3. Learned counsel argued that Respondent No.1 issued a notification dated 21.08.2025 regarding the appointment of administrators in the Cooperative Department, which under Condition No.5 requires that the nominated Administrator have no criminal record, pending cases, or inquiries. However, Respondent No.5 is a convicted individual and was even suspended from service, and therefore, has a criminal record and is ineligible for appointment as Administrator; that under Section 4 of the Sindh Cooperative Societies Act, 2020, the Registrar may issue search warrant for the recovery of any papers, documents, or books of account belonging to a society and exercise powers lawfully exercisable by a Magistrate under Chapter VII of the Code of Criminal Procedure, 1898. Such powers cannot be exercised without first serving notice to the society and providing reasonable opportunity to produce the specified documents; that in the present case, Respondent No.5/Inspector had no authority to seal the Society office or premises, and no inventory or procedural compliance was followed; that before sealing the office, no notice was served upon the office-bearers, and no inquiry of any nature was pending against the Petitioner's Society; that on 13.05.2025, the members of Mehran University Cooperative Society filed an application with Deputy Director, Anti-Corruption, Jamshoro, regarding embezzlement by Respondent No.5, and on 15.05.2025, a letter was sent to the Chief Secretary requesting action against him. Therefore, Respondent No.5 acted beyond his jurisdiction and exceeded his powers. He prayed to allow this Petition.

4. Learned AAG submitted that the Petitioner has no cause of action against the official respondents or any other respondent to institute or maintain the instant Petition, and therefore, it is liable to be dismissed; that the Petition does not disclose any valid cause of action, as the Petitioner has failed to controvert the facts, and the documents relied upon by him are neither correct nor genuine; that the Petitioner has deliberately concealed material facts from this Hon'ble Court and approached with unclean hands, and is therefore not entitled to any relief; that this Court lacks jurisdiction in the matter, the jurisdiction of the Court has been wrongly invoked, and no declaratory or injunctive relief can be granted; that no valid or legal cause of action has accrued in favor of the Petitioner; that the Petition is hopelessly barred by limitation and constitutes an abuse of the process

of this Court; that prima facie no case exists in favor of the Petitioner; that balance of convenience is not in favor of the petitioner, and he is unlikely to suffer any irreparable loss. He submitted that the record available with the Cooperative Department reveals several irregularities committed by the management of the Society, including, failure to conduct the Government Audit as required under Section 30 of the Sindh Cooperative Societies Act, 2020, Non-submission of financial statements in contravention of Rule 25 of the Sindh Cooperative Societies Rules, 2020, No security deposit obtained from office-bearers handling Society funds, in violation of Bye-law No. 62, Failure to provide information regarding beneficial owners within the prescribed period under Section 26 of the Sindh Cooperative Societies Act, 2020, Non-uploading of required information on WTC portal, despite repeated instructions, including those in compliance with FATF guidelines and Failure to amend registered bye-laws to align with the Sindh Cooperative Societies Act/Rules, 2020, in violation of Section 17 and Rule 7. He submitted that to evaluate and examine the working and affairs of the Society, the Secretary, Cooperative Department, Government of Sindh (Respondent No.1), in exercise of powers under Section 6(2) of the Sindh Cooperative Housing Ordinance, 1982, issued Notification No. SO(SA)II/ 2010/ 258 Karachi dated 15.09.2025, superseding the Society and appointing Respondent No.5 as In-charge/Administrator to obtain clear and accurate picture of the Society's affairs. In view of the above, he prayed for dismissal of the instant Constitutional Petition along with all listed applications, as the same is misconceived, devoid of merit, not maintainable in law and filed with mala fide intent to obstruct lawful administrative action.

5. At this stage, the learned AAG submitted a statement along with a Notification placing the appointment of Mr. Muhammad Hanif Utero as In-Charge/ Administrator of M/s Sindh University Employees Cooperative Housing Society Ltd., Jamshoro, in abeyance. He contended that once an Administrator is appointed under Section 6(2) of the Sindh Cooperative Housing Societies Ordinance, 1982, read with the Rules, 1986, the Management Committee stands automatically dissolved and all powers vest in the Administrator; therefore, any general body meeting convened by the former management has no legal effect. He maintained that appointment of the Administrator was lawful and that Respondent No.5, when appointed, was fully authorized to take possession of the Society's office, record and property, and the sealing of office was carried out in accordance with law. He further submitted that another officer had been appointed as Election Officer vide order dated 11-10-2024 for conducting elections under the Sindh Cooperative Societies Act, 2020, and Rules, 2020. The election schedule was duly published, and proceedings commenced; however, the Registrar later ordered suspension of the process on 12-11-2024. The Petitioner then filed C.P. No. D-1695 of 2024, and this Court vide order dated 14-11-2024,

directed continuation of the election process, which was completed on 17.11.2024. Subsequently, following an inquiry under Sections 6(1), 6(2), and 7 of the Sindh Cooperative Housing Authority Ordinance, the Management Committee of the Society was dissolved and Respondent No.5 was appointed as Administrator to manage the affairs and conduct fresh elections within six months, but the same notification has been kept in abeyance.

6. After hearing the counsel for the parties and examining the material available on record, it appears that the Petitioner has failed to establish any enforceable legal right or demonstrate any illegality, mala fide or jurisdictional defect in the administrative actions undertaken by the competent authorities under the Sindh Cooperative Housing Societies Ordinance, 1982 and the Sindh Cooperative Societies Act/Rules, 2020. The allegations of concealment, lack of cause of action and statutory violations raised by the official respondents remain uncontested. The record reflects that the supersession of the Society, appointment of the Administrator, initiation and suspension of the election process, and subsequent administrative orders were passed in exercise of statutory authority. Furthermore, the Notification placing the earlier appointment in abeyance has already altered the factual position, rendering several grievances infructuous. The Petitioner has neither made out a *prima facie* case nor shown any infringement of vested rights warranting interference in constitutional jurisdiction. No case for declaratory or injunctive relief is made out.

7. Accordingly, the instant Petition, along with all pending applications, being devoid of merit and not maintainable, is hereby dismissed.

JUDGE

JUDGE

Karar Hussain/PS*