

**ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI**

Date

Order with Signature of Judge

PRESENT:

**MR. JUSTICE ADNAN-UL-KARIM MEMON, J.
MR. JUSTICE ZULFIQAR ALI SANGI, J.**

Constitutional Petition No. D-3351 of 2025
(**Andaleeb Co-operative Housing Society Ltd & others** versus **Province of Sindh & others**)

Constitutional Petition No. D-4014 of 2025
(**Adnan Ghani Farid & others** versus **Province of Sindh & others**)

Constitutional Petition No. D-1827 of 2024
(**Andaleeb Co-operative Housing Society Ltd & others** versus **Province of Sindh & others**)

Date of hearing and order:- 16.4.2026

Mr. Muhammad Haseeb Jamali and Mr. Saad Khuram, Advocate for the Petitioners in C.P. Nos.D-3351/2025 and 1827/2024 and for Respondent in C.P. No.D-4014/2025.

Mr. Mohammad Vawda and Mr. Taha Abdus Samad, Advocate for petitioner in C.P. No.D-4014/2025 and for Respondent in 3351/2025.

Mr. Danish Rashid Khan, Advocate for Respondent No.4 in C.P. No.D-4014/2025.

Mr. Ali Safdar Depar, A.A.G.

ORDER

Zulfiqar Ali Sangi, J. – By this common Order, we proposes to decide Constitutional Petition No. D-3351 of 2025, Constitutional Petition No. D-4014 of 2025 and Constitutional Petition No. D-1827 of 2024, as all the matters arise out of overlapping controversies relating to the management, elections, regulatory control and alleged irregularities in cooperative housing societies, involving common questions of law and fact.

2. In Constitutional Petition No. D-3351 of 2025, the case of the Petitioners is that Petitioner No.1, M/s Andaleeb Cooperative Housing Society Ltd., is a duly registered cooperative society comprising more than 600 members and has been functioning in accordance with the Sindh Cooperative Societies Act, 2020, the Rules framed thereunder and its bye-laws. It is asserted that the Society has maintained a

consistent record of satisfactory audits and has regularly conducted elections, including those supervised under orders of this Court. It is further stated that the Society was allotted land by the Government of Sindh and has remained in lawful possession thereof, and that after the present elected management assumed charge pursuant to orders of this Court, substantial development and protective measures have been undertaken in respect of the Society's land and affairs. The grievance of the Petitioners is that despite repeated communications, including letters dated 24.05.2025, 16.06.2025 and a legal notice dated 01.07.2025, the Respondents have failed to appoint an Election Officer as required under the law, thereby delaying the holding of the Annual General Meeting and elections. It is contended that such inaction is deliberate and aimed at interfering with the lawful management of the Society.

3. Learned counsel for the Petitioners submits that under Section 12 of the Sindh Cooperative Societies Act, 2020 read with Rule 9(5) of the Rules, the appointment of an Election Officer is mandatory, and failure to do so amounts to illegality and arbitrariness. It is contended that such conduct has stalled the democratic functioning of the Society and is mala fide, particularly in view of past attempts to interfere in the affairs of the Society, and is also contrary to earlier orders of this Court. It is further argued that the rights of more than 600 members stand prejudiced, attracting protection under Articles 23 and 24 of the Constitution, and that in the absence of an alternate efficacious remedy, the Petitioners have rightly invoked the constitutional jurisdiction of this Court.

4. The Respondents, in their para-wise comments, have opposed the petition on the ground of maintainability, contending that an adequate remedy is available under Section 73 of the Sindh Cooperative Societies Act, 2020 read with Rule 53 of the Rules, which provides for adjudication of such disputes by the Cooperative Court. It is further stated that the impugned order dated 22.07.2025 has been issued lawfully under Section 13(2) of the Act read with Rule 8 of the Rules, on the basis of serious complaints received from members regarding alleged irregularities, including manipulation of membership, alteration of layout plan, illegal conversion of plots and engineered elections. It is also alleged that the same individual has

been elected as President for three consecutive terms in violation of Rule 9(4), necessitating intervention. The Respondents maintain that the Department, being a statutory regulator, is duty-bound to ensure transparency and fairness, and that the impugned action is a lawful exercise of authority aimed at safeguarding democratic functioning. All allegations of mala fide have been denied.

5. The learned Additional Advocate General has supported the stance of the Respondents, contending that the impugned actions were taken after due consideration of complaints and within the lawful mandate of the Department, and that disputed questions of fact cannot be adjudicated in constitutional jurisdiction.

6. In Constitutional Petition No. D-4014 of 2025, the Petitioners claim to be bona fide members of another cooperative housing society and allege persistent inaction on the part of the regulatory authorities in the face of serious complaints against the Managing Committee. It is alleged that the controversy originates from the tenure of a former Administrator appointed in 2015, who is stated to have tampered with membership records, inducted fake members and facilitated illegal allotments, thereby distorting the governance structure of the Society. It is further alleged that despite his removal, he continues to exercise de facto control through proxies elected on the basis of manipulated membership. The Petitioners also challenge the revision of the layout plan through an allegedly invalid general body meeting and assert that despite complaints, no inquiry has been conducted by the authorities.

7. Learned counsel for the Petitioners contends that the failure of the Respondents to act on substantiated complaints amounts to abdication of statutory duty, and that elections conducted on the basis of a tainted membership list cannot be considered lawful. It is argued that judicial intervention is required for conducting an inquiry, rectifying the membership list and ensuring fair elections.

8. On the other hand, learned counsel for Respondent No.4 has raised objections to maintainability, contending that the issues raised are barred by res judicata, as they have already been adjudicated in earlier proceedings. It is further contended that Respondent No.4 has no role in the present affairs of the Society after handing over charge in 2018, and that the allegations are false and pertain to settled matters. It is also argued that the Petitioners have failed to establish

locus standi and have approached this Court with unclean hands, while the matter involves disputed questions of fact requiring evidence.

9. Learned counsel for Respondent No.3 has similarly opposed the petition, alleging that the compliance report is biased and that the Petitioners lack locus standi. It is further argued that the issues raised have already been adjudicated or are pending before competent forums, and that the attempt to conduct elections of the entire managing committee is contrary to law and the bye-laws. It is asserted that the Society is functioning in accordance with law and that the petition is mala fide.

10. In Constitutional Petition No. D-1827 of 2024, the Petitioners have challenged a Notification dated 03.04.2024 and consequential letter dated 08.04.2024, whereby an Inquiry Officer was appointed without any prior complaint, charge or lawful basis. It is contended that such action constitutes a fishing and roving inquiry, undertaken without jurisdiction and in violation of statutory provisions as well as principles of natural justice. It is further argued that no opportunity of hearing was provided and that the action is mala fide and aimed at interfering with the lawful affairs and assets of the Society.

11. We have heard the learned counsel for the parties at considerable length and have examined the material available on record.

12. From the cumulative reading of the pleadings and submissions, it clearly emerges that the core issue in all these matters pertains to ensuring lawful, transparent, and democratic management of cooperative societies in accordance with the governing statute. It is a settled principle that cooperative societies are democratic institutions, and their management must be determined through free, fair, and transparent elections conducted strictly in accordance with law. Any delay or obstruction in the election process strikes at the very root of such democratic structure. In the present case, the failure of the Respondents to appoint an Election Officer, despite repeated requests and in the face of statutory mandate, cannot be countenanced. The plea of alternate remedy, in the peculiar facts of the case, is not sufficient to deny relief, particularly where inaction on the part of public functionaries is evident and adversely affecting a large body of members. At the same time, the allegations of irregularities and

disputes regarding membership raised in connected petitions cannot be ignored and must be addressed in accordance with law by the competent authorities, through proper inquiry and due process. In order to balance the competing claims and to ensure that the affairs of the societies are brought back within the legal framework, we deem it appropriate to issue the following directions:

(i). The Respondent Cooperative Department is directed to appoint a competent, independent, and neutral Election Officer for M/s Andaleeb Cooperative Housing Society Ltd. strictly in accordance with Section 12 of the Sindh Cooperative Societies Act, 2020 read with Rule 9(5) of the Rules, within **15 days** from the date of this Order.

(ii). Upon such appointment, the Election Officer shall conduct elections of the Managing Committee of the Society strictly in accordance with law, rules, and bye-laws, ensuring transparency and fairness, and complete the entire election process within **30 days** thereafter.

(iii). The Election Officer shall ensure preparation/verification of the membership list, after providing opportunity of hearing to all concerned parties, so that elections are conducted on the basis of a lawful and verified electoral roll.

(iv). The Cooperative Department shall extend full assistance and support to the Election Officer for smooth conduct of elections and shall ensure that no unlawful interference is caused by any party.

(v). Insofar as allegations regarding irregularities, mismanagement, and illegal acts are concerned, the competent authority is directed to conduct an inquiry strictly in accordance with law, after providing due opportunity of hearing to all concerned, and pass a reasoned order.

(vi). Till completion of the election process, no coercive action shall be taken against the Society except strictly in accordance with law.

(vii). The parties shall be at liberty to avail appropriate remedies available under the law, including Section 73 of the Sindh Cooperative Societies Act, 2020, if any grievance persists.

13. With the above directions, all petitions stand *disposed of*, along with pending applications.

JUDGE

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