

**IN THE HIGH COURT OF SINDH,
CIRCUIT COURT, HYDERABAD**

C.P. No.D- 3105 of 2018

Present

Mr. Justice Muhammad Iqbal Kalhoro

Mr. Justice Adnan-ul-Karim Memon.

Ali Muhammad and others ----- Petitioners

Vs.

Province of Sindh through
Chief Secretary & others ----- Respondents

Date of Hearing: 27.02.2019

Mr. Muhammad Humayoon Khan, advocate for the petitioners.

Mr. Muhammad Hassan Jakhro, advocate for intervenor.

Mr. Allah Bachayo Soomro, Additional Advocate General, Sindh.

ORDER

ADNAN-UL-KARIM MEMON, J. - Basically the petitioners through the instant petition are seeking appointment of Commissioner to hold election of New Town Cooperative Housing Society Ltd (NTCHS) on the basis that they are genuine members / shareholders and plot holders of (NTCHS).

2. Mr. Muhammad Humayoon Khan, learned counsel for the petitioners is seeking disposal of the instant petition at Katcha Peshi stage on the premise that earlier the election schedule was announced but in the meanwhile the competent authority of respondents suspended the services of Mr. Mukhtiar Ali Solangi, Assistant Registrar Cooperative Housing Societies vide Notification dated 17th September 2018, thus election could not be held in time. He next submitted that Secretary to Government of Sindh / Chairman Sindh Cooperative Housing Authority in exercise of powers vested under Section 7 of Sindh Cooperative Housing Societies Ordinance, 1982, constituted a committee headed by the same person in NTCHS to look after the affairs of society and hold election who was

earlier suspended on certain allegations. Learned counsel for the petitioners in support of his contention has produced copy of Notification dated 29th November, 2018. He next argued that the petitioners have grave apprehension that no free and fair elections would take place in presence of Mr. Mukhtiar Ali Solangi, Assistant Registrar Cooperative Housing Society being In charge of the Committee and prayed that Additional Registrar of this court may be appointed to hold the Election of NTCHS.

3. Mr. Muhammad Hassan Jakhro, learned counsel for respondent / intervener in CMA No. 249 of 2019 has submitted that Abdul Waheed Khan Niazi applicant / intervener is holder of plot in the society, therefore, he is entitled to participate in the election in accordance with law.

4. Mr. Allah Bachayo Soomro, Addl.A.G. has consented for disposal of this petition on the aforesaid submission made by learned counsel representing the petitioners.

5. Having considered the arguments of all the sides including the intervener, prima facie we find that the intervener has right to participate in an election.

6. This petition has been filed mainly on the ground that since there is grave apprehension that fair elections may not be conducted which is paramount requirement of law.

7. Learned counsel for the petitioners as well as learned A.A.G. representing the Respondents have consented for disposal of this petition. We find merit in the submissions advanced on behalf of the petitioners. Accordingly, the Additional Registrar of this court is appointed and directed to hold the election of NTCHS within one month from the date of receipt of this order as per existing voter list strictly in accordance with law, he is further directed to look into the entitlement of the petitioners and intervener to cast vote in the Election of the Society and till such date the new management shall look after the affairs of the society namely NTCHS. However, no transaction with regard to sale and purchase of any plot of

the NTCHS shall take place. The fee of Additional Registrar is tentatively fixed at Rs.50,000/- (Rupees fifty thousand only) which shall be borne by the petitioners for the simple reason that they have approached this court for early election of the NTCHS

8. With the above observation the instant petition along with listed applications is disposed of.

JUDGE

JUDGE

Irfan Ali