

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

C.P No. D- 381 of 2020

**Before:-**

Mr. Justice Abdul Maalik Gaddi

Mr. Justice Adnan-ul-Karim Memon

**Hyderabad Railway Co-Operative  
Housing Society through its Secretary**

VERSUS

**Province of Sindh and others**

Mr. Muhammad Humayoon Khan, Advocate for Petitioner

Mr. Allah Bachayo Soomro, Addl.A.G.

Mr. Zulfiqar Ali Sahito, Advocate for applicants / intervenor Muhammad Bux Mahesar, Qazi Nazimuddin and Asghar Ali

Mr. Ishaque H. Qureshi, Advocate for applicant / intervenor Aijaz-ul-Hassan.

Date of hearing. : 08.09.2020  
& decision.

**ORDER**

**ADNAN-UL-KARIM MEMON, J:** - The instant Petition, under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973, has been filed by the petitioners, seeking orders for appointment of Election Officer to conduct the Election 2020 of Hyderabad Railway Cooperative Housing Society, under the supervision of Additional Registrar of this Court, strictly in accordance with the bylaws of the society and in transparent manner.

2. Mr. Muhammad Humayoon Khan learned counsel for the petitioner has briefed this court on the factual aspect of the case and argued that the petitioner is a registered co-operative society having its own bylaws duly approved by the competent authority; Per clause 46 of the bylaws, the business of society will be carried out through Managing Committee consisting of seven members viz. Chairman, Vice Chairman, Secretary, four members, and the term of Management Committee shall be two years; that before Election of present Management Committee, the state of affairs of the society were in worst condition as the previous management was involved in corrupt practices and valuable plots of the society were fraudulently transferred; besides, a fake election was conducted in 2016 on the basis of forged membership. In the circumstances, one Mirza Khalid Majeed, being member of Society and Residence Welfare Association Hyderabad Railways

Employees Housing Society filed CP No. 2878 of 2016 and CP No. 848 of 2016 before this court with a prayer to stop the process of election and to make appointment of some competent and experienced person as Election Officer who shall conduct the Election under the supervision of Registrar of this Court; in the said petition respondent No.1 was directed to submit enquiry report which was filed by the Deputy Secretary / Inquiry Officer on 29.9.2017 and on the basis of said report, the petition was disposed of by order dated 3.10.2017 constituting two members committee to act upon the recommendations of enquiry officer with further direction that the entire process including election shall not take more than 10 weeks and periodical compliance report be filed by the Additional Registrar fortnightly; the said order was implemented; subsequently the result of election of present Managing Committee was declared by respondent No.2 vide letter dated 12.3.2018; the process of handing over and taking over charge took place on 14.3.2018 and the period of two years of present Management Committee has already expired on 13.3.2020; that now in order to conduct the election, respondent No.3 has written a letter to nominate the names of two society members for notifying an Election Committee. In this regard, the society / petitioner vide letter dated 7.3.2020 nominated two members as Election Committee Members as required under rule 4(aa) of the Cooperative Societies Rules 1927 and after nomination of two Election Committee Members, respondents 2 and 3 were required to nominate Election Officer to conduct the Election; that Respondent No.3 due to malafide intention and cause delay in the election has written another letter dated 11.3.2020 so that they could malafidely appoint their own Administrator to sabotage the performance of present management and retrieve back the same mafia / land grabbers who were expelled due to above order of this Court; that in response to the above letter, the society has again requested them vide letter dated 11.3.2020 to nominate Election Officer immediately but in vain; that the tenure of present management committee as already stated has expired on 13.3.2020 and the respondents have failed to appoint the election committee despite repeated requests.

3. Learned counsel representing the respondents has refuted the claim of petitioner and argued that Registrar Co-operative Society is a proper person to hold the election of Society. In support of their contention, they relied upon the office order dated 9.6.2020 issued by Registrar Co-operative Societies Sindh whereby Election of Petitioner-Society has been announced with terms of reference of the Committee. They further submits that the Assistant Registrar Cooperative Societies Hyderabad authorized Election Officer has already directed the Chairman / Secretary of the Petitioner-Society to provide certain documents and information in order to conduct election of entire managing committee of the society. They further submit that the Election may be

conducted through the Election Officer strictly in accordance with law. They lastly prayed for dismissal of instant Petition.

4. Mr. Allah Bachayo Soomro, Addl.A.G has stated that he has no objection if the election of the society is conducted by the official of this court in accordance with the bylaws of the Society in coordination with the official Respondents.

5. We have heard learned Counsel for the parties and perused the material available on record.

6. We have noticed that all the parties are now willing to conduct the election of Hyderabad Railway Co-operative Housing Society without any further delay.

7. If this is the position of the case, it would only be proper and appropriate that in a time bound manner election is held in Hyderabad Railway Co-operative Housing Society under the supervision of Mr. Muhammad Iqbal Memon Assistant Registrar of this court. This could only be achieved when he is given free hand to supervise the election process already initiated by the Registrar Cooperative Societies Sindh vide office order dated 9.6.2020. Let the same be done in accordance with Act, Rules and Bye-laws of the Society.

8. We have been informed that the term of managing committee has already expired and the affairs of the society have been taken over by the Registrar Cooperative Societies Hyderabad who has also directed the Chairman / Secretary of the Petitioner-Society to furnish all the records and documents required for conducting the election. The Managing Committee of the Society is directed to extend full cooperation to the Election Committee so appointed by the Registrar Cooperative Societies, Sindh. The Election Committee shall also conduct the election systematically, without any fear or favour, maintaining transparency and observing all the formalities and procedure laid down under the bylaws, Act and Rules under the supervision of Assistant Registrar of this Court. The Election Committee shall formulate the list of members and other ancillary work in respect of the Election within three weeks. The entire exercise shall be undertaken within a period of ten weeks. Further, as a precautionary measure it is cautioned that all the parties in the case shall extend full cooperation in the early conduct of election, and if any evidence of lack of cooperation or hindrance is noticed on the part of any member of the society, the Assistant Registrar of this court shall have power to take all necessary steps for conducting smooth election. It is also ordered that the existing Managing Committee is restrained from taking any major or policy decisions. The eligible members of the society are at liberty to raise objection, if any, before the Election Committee and if any objection is raised, the

Election Committee in coordination with the Assistant Registrar of this Court shall decide the same within fifteen days from the date of receipt of this order in accordance with the Rules and By-laws of the Society. The fee of the Supervisor so appointed by this Court is fixed at Rs.50, 000/- to be paid from societies account.

9. There being no other substantive issue left to be adjudicated upon, this petition is disposed of along with pending applications with no order as to costs.

**JUDGE**

**JUDGE**

*Karar\_hussain\**