

ORDER SHEET  
IN THE HIGH COURT OF SINDH, KARACHI  
C.P. No.D-241 of 2021

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Date Order with signature of Judge

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**Before:-**  
**Mr.Justice Muhammad Ali Mazhar**  
**Mr.Justice Amjad Ali Sahito**

**Al-Asif Square**  
**Welfare Association (Union Building)..... Petitioner**

V/s

**Province of Sindh**  
**& others.... Respondents**

**08-04-2021**

Mr.M.Kamran Balouch, Advocate for the Petitioner.  
Ms.Leela @ Kalpana Devi, Additional Advocate General.  
Mr.Abdul Hameed Shaikh, Director, Social Welfare, Directorate of Social Welfare, Government of Sindh, Mr.Tahir Mehmood, Deputy Director, Social Welfare, Ms.Saira Balouch, Assistant Director, Social Welfare are present in person.  
Mr.Muhammad Aslam Shar, Advocate along with Intervener/Applicant Jehanzeb Khan Bungash.

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**Muhammad Ali Mazhar, J:** The case of the petitioner that it is registered body under the Voluntary Social Welfare Agencies (Registration and Control Ordinance, 1961. Copy of their registration certificate is available at page-13 as annexure "A".

2. The grievance of the petitioner is that without providing any right of hearing or due process the registration of Association was cancelled, which unlawful action was disclosed through a letter communicated to S.H.O. P.S. Gulzar-e-Hijri, Karachi, copy of which is available at page-41 (Annexure-D) of the court file, wherein he stated that on contravention of the provisions of Voluntary Social Welfare Agencies (Registration and Control) Ordinance, 1961 and enabling rules the Association is working, therefore, the SHO asked the Association to stop their activities.

3. On notice the respondent No.4 (Director General, Social Welfare Department) filed their comments, in which it is stated that after publishing notice in the leading newspapers whereby all voluntary

social welfare agencies registered under the aforesaid Ordinance were called upon to produce certain documents within 30 days for the renewal of their registration certificate, thereafter, a final notice was published on 14.7.2019 for the same purpose, but the petitioner Association failed to comply with the requirement, therefore, their registration was cancelled.

4. Intervener/Applicant (Jehanzeb Khan Bungash) is also present along with his counsel submits that for last many years the present managing committee failed to hold election as the term of office of Association is for 02 years, whereas the learned counsel for the petitioner submits that the term of office of the Association is 05 years. In order to resolve this anomaly, we issued notice to the Director, Voluntary Agencies Registration to appear and today he has submitted certified copy of the bylaws of Al-Asif Square Welfare Association and according to this certified document the term of the office under Clause 17 is for 02 years and not for 05 years.

5. After arguing at some length, learned counsel for the petitioner, Intervener and the learned Additional Advocate General as well as officials present in court have agreed to some modalities for disposal of this petition in the following terms:-

- (1) The Al-Asif Square Welfare Association through its present General Secretary shall apply for the restoration of their Association registration to respondent No.4. The respondent No.4 shall consider their application and will pass appropriate orders within a period of one month.
- (2) If the Association is restored then the respondent No.4 under his supervision shall conduct elections of Al-Asif Square Welfare Association according to their bylaws within next one month period and the election shall be conducted in accordance with the terms and conditions mentioned in the bylaws of the Association.
- (3) The respondent No.4 shall depute some responsible officer to supervise the election on the day of election and if required he may call the help of concerned police station on the date of election.
- (4) After holding election the respondent No.4 shall handover the charge to successful candidates.
- (5) The respondent Nos.6 and 7 shall act in accordance with law.

Judge

Judge

