

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH, KARACHI**  
C. P. No. D-1121 of 2021

Date	Order with signature of Judge
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For rehearing.

06.02.2023.

M/s. Badar Alam and Muhammad Kashif Badar,  
Advocates for the Petitioners.  
Mr. Shahryar Mahar, Additional Advocate General, Sindh.

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**YOUSUF ALI SAYEED, J. -** The Petitioners, who profess to be office bearers of a social welfare society registered under the name and style of “Jammat Islah-e-Qaum” (the “**Society**”), have invoked the jurisdiction of this Court under Article 199 of the Constitution in that capacity, impugning an Order dated 06.01.2021 issued by the Registration Authority/Director General, Social Welfare Department, Government of Sindh, purporting to suspend the Executive Committee of the Society with immediate effect under Section 9 (ii) of the Voluntary Social Welfare Agencies (Registration & Control) Ordinance, 1961, so as to appoint and constitute a Caretaker Committee under the Chairmanship of the Additional Director, Social Welfare Korangi, Karachi to exercise all powers of the Executive Committee, with the directions to conduct a fair and transparent election as per the registered Constitution.

Learned counsel for the Petitioners submitted that the impugned Order ran contrary to law, in disregard of the formalities prescribed under the aforementioned provision of the Ordinance and that such a measure had been taken in a vacuum, as no formal complaint warranting such action had ever been received and even the copy of the complaint said to be enclosed with the impugned Order had never been forwarded nor placed on record. It was submitted that as per the Constitution of the Society, the members of the Executive Committee were to remain in Office until such time as their successors were elected under the aegis of an Election Committee, consisting of three members, and to be elected at an Annual General Meeting (“**AGM**”) of the Society.

At that juncture, the learned Additional Advocate General, Sindh submitted that the Respondents had no objection to the impugned Order being set aside if an AGM were to be called for constituting the Election Committee so as to in turn undertake the election of the Executive Committee. He confirmed that the electoral exercise envisaged in terms of the Impugned Order remained unfulfilled to date.

Under such circumstances, with the consent of learned counsel for the Petitioners and the learned AAG, we hereby direct that an AGM of the Society be convened within 30 days of the date of this Order for purpose of electing the Election Committee, with the election of the Executive Committee to then be carried within a further period of 30 days under the supervision of a representative of the Social Welfare Department. Subject to the foregoing, the impugned Order otherwise stands set aside and the Petition stands disposed of in the above terms.

JUDGE

CHIEF JUSTICE

MUBASHIR