

*Order Sheet*

IN THE HIGH COURT OF SINDH AT KARACHI

**C. P. No. D – 1541 of 2024**

Date	Order with Signature of Judge
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1. For hearing of CMA No.7082/2024.
2. For hearing of Main Case.  
(Notice issued)

**08.04.2024** :

Syed Zaeem Hyder, Advocate for the Petitioners.  
Ms. Naushaba Haq Solangi, A.A.G., Sindh along with  
Zameer Ahmed Abbasi, Registrar Cooperative Societies.

This petition has challenged a Notification dated 20.03.2024 issued by the Respondent No.1, whereby a Committee is appointed, in effect to take over the affairs of the Petitioners' Society in terms of Sections 6(1) and 6(2) of the Sindh Cooperative Housing Authority Ordinance, 1982 (**the governing law**). The impugned Notification also states that the Committee will hold the elections within three months.

Learned counsel for the Petitioners states that the elections were held under the supervision of Registrar Cooperative Societies under the provisions of the Sindh Cooperative Societies Act, 2020. In this regard he has referred to Pages 275, 311 and finally Page No.325 of the Petition which confirms that elections of the Society have been held. The first referred page is an Order dated 16.12.2023 issued by the Registrar Cooperative Societies with regard to holding of elections of the entire Committee; the second referred Document is dated 28.02.2024, which mentions the election program and the posts for which the elections are to be held. Whereas the third Document is an internal Document of the Petitioners' Society wherein, inter alia, details of the oath taking ceremony of newly elected Managing Committee is stated.

Once the elections of the Society are held, and not disputed, then the issuance of the impugned Order is completely unjustified. The Registrar Cooperative Societies who is present in person has attempted to justify the impugned Order by stating that the elections were 'managed', but, he has failed to disclose even one complaint from any person claiming that such elections were 'managed'; and hence, in the absence of such material, we are of the view that a government official should desist from making such sweeping statements, or he / she might face consequences, for an attempt to mislead the Court.

On the available undisputed record, we are of the view that the impugned Order has been issued without considering the record, which itself is an abuse of authority vested in the Respondent, Secretary Dr. Badar Jamil Mendhro and this act can be one of the reasons for referring this matter to NAB. Once the election has been held that too under the statutory scheme, there is no justification to take over the affairs of Petitioners' Society. It is a matter of record that due to such action of government officials tainted with abuse of authority, hundreds of petitions are subjudice in this Court. If the statutory scheme is followed in the letter and spirit, then this backlog would not have occurred.

For the foregoing reasons, the Impugned Notice is issued with mala fide and can not be sustained. The impugned Notification is set aside. Needless to say it is incumbent on the Society to hold its elections within the parameters of the Sindh Cooperative Societies Act, 2020 and the Rules framed thereunder and this Order will in no manner interfere with future elections to be held under the auspices of the statutory framework. The Petition stands allowed in the above terms with no order as to costs.

J U D G E

J U D G E

Nasir P.S.