

ORDER SHEET
THE HIGH COURT OF SINDH AT KARACHI

C.P No.D-4320 of 2022.

Date: Order with signature(s) of the Judge(s)

For Orders as to Maintainability of Petition.

19th September, 2024.

Mr. Arsalan Wahid advocate for the Petitioner.
Mr. Yahya Iqbal advocate for Respondent No.3 to 10.
Mr. Shahryar Mehar, AAG.

This petition pertains to Meerut Cooperative Housing Society and Petitioner's case is that there is encroachment over amenity plot and residential plots have been converted into commercial. This court directed Registrar, Cooperative Societies to visit and submit report; that has come on record. Being relevant Para-2 is that:

"2. The undersigned along with above officers of Cooperative Department and the Managing Committee of the society physically checked Amenity Plot No. ST-20 reserved for High School Admeasuring 5333.33 Sq.yds located in Section 9-A/3 and found the same plot open and without any construction. Furthermore, it was also reported by the Honorary Secretary of the Society vide Letter No. MCHSL/Auction/7886/2024 dated 12.09.2024 that all amenity plots of the society are very much intact as per approved layout plan of the society, and no amenity plot has been converted into Commercial use. (Copy of letter dated 12.09.2024 alongwith photographs of site visit are enclosed)".

Since in question Plot No. ST-20 is reserved for High School admeasuring 5333.33 Sq. Yards located in Section 9-A/3 is open plot and yet society has failed to construct the High School and provides basic facilities. Accordingly, management shall deliberate and preferably shall hand over the same to the education department to erect public high school for the benefit of society and locality as per feasibility. With regard to conversation from residential to commercial, that issue pertains to the

term of business of the Cooperative Societies Act 2020, hence, any member / office bearer would be competent to approach special court for cooperative societies in accordance with law.

In view of above, instant petition is disposed of. Secretary, School shall visit the plot with the assistance of Registrar, Cooperative Societies.

M.Zeeshan

JUDGE
JUDGE