

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
CP No. D-1609 of 2025
(Muhammad Ali Soomro v. Province of Sindh & Others)

DATE:	ORDER WITH SIGNATURE(s) OF JUDGE(s)
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- 1. For Orders on CMA No.8068 / 2025 (Urgent App)
- 2. For Orders on Office Objections No. 1 to 7
- 3. For Orders on CMA No.8069 / 2025 (Exemption App)
- 4. For Hearing of Main Case

25-4-2025

Mr. Muhammad Ali, Advocate (Petitioner in Person)

- 1. **Sana Akram Minhas J:** The instant Petition has been fixed at the Principal Seat, Karachi in view of order dated 23.4.2025 passed by the Honourable Acting Chief Justice allowing the Petitioner’s application under Rule 7 of *Sindh High Court Benches Rules 1987*.
- 2. The Petitioner, a practicing lawyer, essentially seeks the handing over of possession of a plot of land to himself, located within a private cooperative housing society situated in Larkana. The primary reliefs sought in this Petition are as under:
 - a. *To Direct the respondent No. 6, to performed his mandatory duties timely, in respect of notification dated 22.03.2024, to handover physical possession of plot No.143 (500 Square yards) to petitioner.*
 - b. *To issue suitable write [sic], order or direction to respondent No. 2 to 11 to enforce paragraph-v, of order dated 14.10.2021 passed by this Hon'ble Court in C.P No. 3738 of 2019, to resolved the grievance of petitioner / member with regard to his plot and to get accounts audited [sic], in letter & spirit and timely.*
 - c. *To declare that the act of respondent No. 2 to 11 of not performing their statutory duties, in respect of paragraph-v, of order dated 14.10.2021 and notification dated 22.03.2024 and duties assigned by management committee dated 26.1.2024, is infringe the rights of petitioner, violation of principles of equity, fairness, fundamental rights.*
 - d. *To direct the respondent No. 13 and 14 to removed illegal occupation and encroachment and to take strict legal action against the encroachers and land grabbers, illegally occupied upon the land of Lawyers cooperative housing society ltd, Larkana.*
 - e. *To Direct the respondent No.15 to perform his statutory duties pertaining to letter No. DRCS/LRK/1595 dated 4.3.2024, prevention with housing society negatively affective to general public and to find negative reasons behind undevelopment of lawyers cooperative housing society ltd, Larkana.*

f. To issue suitable write [sic], order or direction to respondent No.2 to 5, to restrain them from holding society election, to be due in August 2025, until complied the paragraph-v, of order dated 14.10.2021 passed by this Hon'ble court.

3. A perusal of the aforesaid prayers reveals that the Petitioner has sought a wide array of reliefs that are not maintainable in a constitutional petition. For instance, Prayer Clause “a” is directed against a private individual, the Chairman of a cooperative society viz. *Lawyers Cooperative Housing Society Ltd* in Larkana (“**Society**”). Even if it is assumed that the prayer is actually directed against the Society itself, and not its Chairman, in either case, both are private entities that cannot be proceeded against through a constitutional petition. Furthermore, the so-called “*Notification*” dated 22.3.2024 (**Court File Pg.17, Annex A**), the implementation of which is sought, is a misnomer; it is merely the internal Board Resolution of the Society outlining the schedule of instalments, of the enhanced development charges, to be paid by the allottees prior to the issuance of the final allotment order. Consequently, this prayer is not maintainable. Notably, the photocopy annexed begins with the word “*Notification*” and omits the upper portion of the document, which would have easily identified the issuing body – possibly by design.
4. The Prayer Clause “b” seeks enforcement of a specific paragraph (viz. paragraph v) of an order passed in another Petition i.e. order dated 14.10.2021 in CP No.D-3738 of 2019 (**Court File Pg.45, Annex G**), instituted in Circuit Court Larkana. This relief likewise cannot be pursued in the present Petition. If the Petitioner is aggrieved by the non-enforcement of any order passed in previous proceedings, the appropriate course of action would be to seek redress in those earlier proceedings.
5. While Prayer Clause “c” seeks a declaration against Respondents No.2 to 11 for the alleged non-performance of “*statutory duties*” – specifically, the non-enforcement of the purported Notification and the orders issued in the said CP No. D-3738/2019 – the title page of the Petition reveals that the private Respondents No.6 to 11 are merely office bearers of the Society. As such, they are not vested with any statutory duties enforceable through constitutional jurisdiction. As for the official Respondents No.2 to 5, any alleged inaction on their part ought to be addressed within the earlier proceedings and cannot be made the basis for instituting a fresh Petition.
6. Regarding the remaining Prayer Clauses “d,” “e,” and “f,” these prayers are equally misconceived and not maintainable within the scope of the present Petition. The reliefs sought pertain primarily to alleged private disputes within a private cooperative society, internal management issues, and the

enforcement of administrative decisions – none of which fall within the ambit of constitutional jurisdiction under Article 199 of the *Constitution of Pakistan, 1973* (“**Constitution**”), particularly given the grounds set out in the Petition. Moreover, any appropriate remedy, if available, lies through civil proceedings before the competent forums established under the relevant laws, not by way of the present proceedings.

7. It is evident that the present Petition reflects a fundamental lack of understanding of the basic principles governing the invocation of the writ jurisdiction under Article 199 of the Constitution. The Petitioner has sought reliefs against private individuals and entities, which are not amenable to the constitutional jurisdiction of this Court, save in exceptional circumstances expressly recognized by law. It is a settled principle that constitutional remedies are available primarily against public functionaries or bodies performing public functions, and not against private parties or internal administrative decisions of private organizations. The indiscriminate and misconceived invocation of the writ jurisdiction, as demonstrated in the instant Petition, not only burdens the constitutional courts with non-maintainable matters but also undermines the sanctity and seriousness of constitutional remedies. Consequently, this Petition is liable to be dismissed at the outset and is hereby **dismissed in limine**.

JUDGE

JUDGE