

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C.P. No.D-1851 of 2025
(Fateh Deen & others v Province of Sindh & others)

| Date | Order with signature of Judge |
|-----------------------------------------------|-------------------------------------------|
| <u>Date of hearing and order:- 20.01.2026</u> | |
| Mr. Liaquat Ali | advocate for the petitioner Nos. 4 to 10. |
| Mr. Muhammad Ammar | advocate for Respondent No.9. |
| Mr. Ahmed Madni & Mr. Pir Ali, | advocates for Respondent No.7 |
| Mr. Ahmed Ali Hussain | advocate for the Intervener/Respondents. |
| Mr. Jamshed | advocate for Respondent No.8. |
| Ms. Mehreen Ibrahim, DAG | |
| Mr. Mehran Khan AAG | |

ORDER

Adnan-ul-Karim Memon, J. – The petitioners have filed the captioned Constitutional Petition under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, with the following prayer: -

- a. *To direct the officials, Respondents, to perform their duties in accordance with the law.*
- b. *To declare that the order Ref. No. RCS/KYC/98/2024, Karachi, dated 11.04.2025, and the election publication Notice dated 26.04.2025, published in Daily Nation, are null & void & have no value in the eyes of law.*
- c. *To direct the Respondents to conduct the election of the society, M/s Platinum Multipurpose Cooperative Society Ltd., based on the actual 123-member list instead of the fake & managed 49-member list of the society.*
- d. *To direct the respondent to perform their duties in accordance with law & conduct the society election in terms of the applicable By-Laws of the society, Sindh Cooperative Societies Act/Rule 2020.*
- e. *To restrain the respondents, their agents, attorneys, employees, servants, representatives, persons or persons acting on their behalf from conducting the Election of the society on 11.05.2025 of the M/s Platinum Multipurpose Cooperative Society Ltd Karachi, and further restrain the respondents from manipulating the society Election record & result in any manner whatsoever in nature.*
- f. *Grant any other relief deemed just and proper in the circumstances.*

2. The case of the petitioners is that they are bona fide members of *M/s Platinum Multipurpose Cooperative Society Ltd.* However, Respondent No.5, vide order bearing Ref. No. RCS/KYC/98/2024 dated 11-04-2025, appointed an Election Officer to conduct elections for the post of Chairman and Directors of the Society, purportedly in compliance with the directions passed by this Court in CP No. D-8056 of 2022 dated 29-05-2024. It is submitted that pursuant thereto, an election schedule was published in the Daily Nation on 26-04-2025, fixing the election for 11-05-2025. It is submitted that before the aforesaid order, Respondent No.5 had already initiated the election process vide letter dated 27-03-2025 through a duly authorized Election

Officer, who conducted the election on 06-04-2025 based on a verified list of 123 members, as appended with this Court's record. Subsequently, the Election Officer, through letter dated 07-04-2025, admitted that nomination forms were not scrutinized and the final list of contesting candidates could not be prepared due to non-availability of records and the shortage of time. It is urged that, despite the above admitted irregularities and without lawful justification, Respondent No.5 has now sought to conduct a fresh election based on a manipulated and inflated list of 149 members, instead of the genuine list of 123 members. This has been done with mala fide intention, in collusion with influential persons, and in violation of the Society's By-Laws and the Sindh Cooperative Societies Act and Rules. It is further averred that the petitioners duly served a legal notice upon the respondents; however, no reply was furnished. Instead, the respondents hastily proceeded with the impugned election schedule, fixing polling at different locations to facilitate manipulation and deprive genuine members of their lawful right to participate. In view of the foregoing, it is prayed that this Court to declare the order bearing Ref. No. RCS/KYC/98/2024 dated 11-04-2025 and the election notice published on 26-04-2025 as illegal, void, and of no legal effect; and direct the respondents to conduct elections of *M/s Platinum Multipurpose Cooperative Society Ltd.* strictly in accordance with law, the Society's By-Laws, and the Sindh Cooperative Societies Act/Rules, on the basis of the genuine list of 123 members.

3. Registrar Cooperative Societies, has submitted report that the election of M/s Platinum Multipurpose Cooperative Society was conducted strictly in compliance with the directions of this Court in Constitutional Petition No. 8056 of 2022 vide order dated 29.05.2004 and Constitutional Petition No. 1851 of 2025 vide order dated 08.05.2004. He submitted that during the election process, the subject petition was filed by the petitioner Fateh Din and others, wherein this Court directed that the election be conducted, however, the results were made subject to the outcome of the petition. He further submitted that the election was conducted under the supervision of the Nazir of this Court, and the Election Officer submitted his report. Accordingly, the election results were notified subject to the outcome of this petition.

4. Having heard the leaned counsel for the parties/interveners and perused the record, it is noticed that the election of M/s Platinum Multipurpose Cooperative Society Ltd. was conducted pursuant to and in compliance with the directions issued by this Court in Constitutional Petition No. D-8056 of 2022 and Constitutional Petition No. 1851 of 2025.

5. It is also an admitted position that, during the pendency of the present petition, this Court permitted the election process to continue, while expressly

directing that the election results would remain subject to the outcome of this petition.

6. The record further reflects that the election was conducted under the supervision of the Nazir of this Court and that the Election Officer submitted his report accordingly.

7. In view of these facts, and consistent with the earlier orders of this Court, the legality and validity of the impugned election process, including objections relating to the voters' list and alleged irregularities, involve disputed questions of fact which cannot be conclusively adjudicated in constitutional jurisdiction.

8. Consequently, while the election results already notified shall remain subject to the outcome of appropriate proceedings if initiated before the competent forum, the petitioners are at liberty to avail their statutory remedy before the competent forum under the Sindh Cooperative Societies Act and Rules for redressal of their grievances, including objections regarding the voters' list and conduct of the election.

9. With the above observations, the petition stands disposed of in the above terms. No order as to cost.

JUDGE

JUDGE

Shafi