

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI

Constitutional Petition No. D-2597 of 2026
(*Ali Hassan versus Province of Sindh & others*)

Date	Order with signature of Judge
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Before:-

Mr. Justice Adnan-ul-Karim Memon

Mr. Justice Zulfiqar Ali Sangi

Date of hearing and order: 29.4.2026

Mr. Muhammad Arsalan Rao advocate for the petitioner

Mr. M. Yahya Iqbal advocate for respondent No.3 alongwith Mr. Shahid Bashir,
Chairman of respondent No.3-society

Mr. Ali Safdar Depar, Assistant AG alongwith Election Officer

Mr. Abdul Jalil Zubedi, respondent No.4

ORDER

Adnan-ul-Karim Memon, J. The petitioner, Ali Hassan through Constitutional Petition has invoked the constitutional jurisdiction of this Court under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, challenging the legality of actions taken by the election authorities of Meerut Cooperative Housing Society Limited.

2. Petitioner Ali Hassan has challenged the impugned order dated 10.04.2026 whereby he was removed from the membership list and deprived of his voting rights, terming the same as arbitrary, illegal, and violative of principles of natural justice. He seek directions for acceptance of nomination papers, restoration of membership and voting rights, and the conduct of fair and transparent elections under the supervision of an independent authority.

3. The petitioners' counsel contended that the impugned actions of the Election Officer, including the removal of the petitioner from the membership list and rejection of his candidature, are illegal, arbitrary, and violative of fundamental rights guaranteed under the Constitution of 1973. It is submitted that such actions have been taken without lawful authority, without due process, and in clear breach of Articles 4, 10-A, and 25 of the Constitution. The petitioners argue that the determination of membership and voting rights directly affects civil and proprietary interests; therefore, denial of notice, opportunity of hearing, and fair adjudication amounts to a violation of the principles of natural justice, particularly the doctrine of *audi alteram partem*. It is further asserted that the impugned order was passed in undue haste, without supplying objections or affording any meaningful opportunity to defend, thereby reflecting non-

application of mind and pre-determination. The petitioners also allege bias and mala fide on the part of the Election Officer, contending that objections against them were entertained and decided promptly, whereas objections raised by them against other members were ignored, indicating discriminatory treatment and violation of equality before law. The petitioners' counsel emphasized that the issue of membership had already been conclusively determined by the competent authority/Registrar vide order dated 07.01.2026, which attained finality and could not be reopened by the Election Officer, who was only entrusted with conducting elections. By re-adjudicating the matter, the Election Officer exceeded his jurisdiction and acted in disregard of settled principles, including finality of administrative decisions and res judicata. It is also contended that the impugned order is a non-speaking order, lacking reasoning and legal basis, thus violating statutory requirements and established judicial standards. On these grounds, the petitioners seek setting aside of the impugned order, declaration of the ongoing electoral process as void, and conduct of fresh elections under an independent authority. The petitioners' counsel submit that the impugned order dated 10.04.2026, passed by the Election Officer/Respondent No. 2, whereby the nomination papers of Petitioner was rejected, is illegal, without lawful authority, and violative of the settled principles of natural justice. He prayed to allow this petition.

4. In compliance with the Court's notice, the Election Officer has put his appearance and submitted that, upon scrutiny of the record, it was observed that the subject plot was originally allotted to Mrs. Tasleem, who alone was granted membership of the Society. The subsequent inclusion of her husband, petitioner Ali Hassan, in the membership record was not in accordance with law and lacked proper legal basis. It was further stated that the earlier position, as reflected in the letter dated 18.12.2025 issued by the then Honorary Secretary, correctly recognized Mrs. Tasleem as the sole member. On this premise, the Election Officer maintained that Mrs. Tasleem, being the original allottee and lawful member, is entitled to exercise voting rights, whereas the inclusion of her husband does not confer upon him any independent right of membership or eligibility to participate in the electoral process, as such he was highly non-suited.

5. This Court, vide order dated 26.03.2026 passed in C.P. No. 956 of 2026, disposed of the petition wherein the petitioners M/S Meerut Cooperative Society and others had challenged the order dated 06.02.2026 of the learned Senior Civil Judge, Karachi West. After hearing the parties, and with the consent of the parties, this Court ordered that fresh, fair, and transparent elections be conducted and appointed Mr. Abdul Jalil Zubedi as Election Officer, vesting him with powers under the Sindh Cooperative Societies Act, 2020 and the Society's bye-laws. He was directed to finalize the voter list, scrutinize nomination papers, and

decide all objections strictly in accordance with law through reasoned orders. Accordingly, the petition was disposed of with directions to all parties to cooperate with the Election Officer for smooth conduct of the election process.

6. After hearing the learned counsel for the parties and examining the record, this Court finds that the controversy essentially turns upon the legality of the petitioner's removal from membership and disenfranchisement, the scope of authority of the Election Officer, and compliance with statutory provisions and constitutional safeguards.

7. Previously, it is not disputed that the plot in question was originally allotted to Mrs. Tasleem, who was granted membership of the Society. However, the record also reflects that the name of the petitioner, Ali Hassan, was subsequently incorporated in the Society's record. Even if such inclusion is alleged to be irregular, the same remained part of the official record and was acted upon until his abrupt removal. Such a status could not have been undone summarily without recourse to due process and proper adjudication by the competent authority under the cooperative law.

8. Additionally, section 24 of the Sindh Cooperative Societies Act, 2020 does not negate joint ownership; rather, it regulates voting rights by providing that, in case of multiple owners, only one individual shall exercise the right to vote either by mutual consent or, in default thereof, the elder person. Therefore, the provision does not automatically invalidate the inclusion of a co-owner's name in the record, nor does it empower the Election Officer to declare such inclusion illegal. At best, the provision governs who, among co-owners, is entitled to vote not who is to be recognized as a member per se.

9. However, the Election Officer, in the present case, has effectively assumed adjudicatory powers to determine the validity of past transactions and membership status, which falls outside the limited mandate conferred upon him by this Court vide order dated 26.03.2026. The said order authorized him to conduct elections, finalize voter lists, and decide objections in accordance with law; however, it did not empower him to reopen and nullify settled questions of membership, particularly where no proceedings had been initiated before the competent forum under the Act, 2020. However, the best course for the election officer was to refer the matter to this Court to determine the subject issue. Thus, the impugned action suffers from jurisdictional defect.

10. The manner in which the impugned order was passed reflects a clear violation of the principles of natural justice. The petitioner was neither provided with copies of objections nor afforded an opportunity of hearing prior to his removal from the membership list. It is a settled principle that any action having

civil consequences must conform to the doctrine of *audi alteram partem*. The Hon'ble Supreme Court has categorically held that denial of fair hearing vitiates the entire proceedings, irrespective of the merits of the case.

11. The impugned order is also deficient as a quasi-judicial determination, inasmuch as it does not reflect proper reasoning, application of mind, or consideration of relevant material. A "speaking order" is a fundamental requirement of lawful exercise of authority, and failure to provide reasons renders the order unsustainable in law.

12. Lastly, the reliance of the Election Officer on the original allotment in favour of Mrs. Tasleem, to the exclusion of the petitioner, is misconceived in light of Section 24 of the Act, which does not prohibit recognition of joint interest but merely regulates voting rights. Therefore, even if Mrs. Tasleem is treated as the primary member, the petitioner's status as a co-owner could not be disregarded without lawful determination by the competent authority under the cooperative law.

13. In view of the above, this Court holds that the impugned order dated 10.04.2026 suffers from jurisdictional infirmity. The Election Officer re-adjudicated membership issues, which is the function of the competent authority under the cooperative law. The action is vitiated due to violation of principles of natural justice and constitutional guarantees under Articles 4 and 10-A; and the reasoning adopted by the Election Officer is legally unsustainable and based on misinterpretation of Section 24 of the Act, 2020.

14. Consequently, the impugned order is set aside, and the stance taken by the petitioner is upheld to the extent that his removal from the membership list and consequent disenfranchisement cannot be sustained in law. The respondents are directed to restore his status in accordance with law and proceed with the electoral process strictly in compliance with statutory provisions and principles of fairness, transparency, and due process. The petition along with pending application(s) stand disposed of in the above terms.

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