

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

C.P No.D-4609 of 2025

[Jameel Ahmed and others v. P.O Sindh and others]

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| DATE | ORDER WITH SIGNATURE OF JUDGE(S). |
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Before:

Mr. Justice Yousuf Ali Sayeed;

Mr. Justice Abdul Hamid Bhurgri.

1. For orders on Misc. No.19225/25.
2. For orders on office objections No.1 to 3.
3. For orders on Misc. No.19226/25.
4. For orders on Misc. No.19227/25.
5. For hearing of main case.

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Date of hearing:- 25.09.2025

Mr. Asim Iqbal, Advocate for the petitioners.

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Abdul Hamid Bhurgri, J.- Through this petition, the petitioners seek following reliefs:-

- a) Conduct a full-fledged inquiry/investigation into the illegal sale of plots and the role of the concerned Administrator;
- b) The actions and inaction of the Registrar, Deputy Registrar, and Secretary, be Cooperative Department, Sindh, investigated for collusion, misconduct, and violation of duty;
- c) The illegal allotments/sales made be canceled and society lands be restored to their rightful status for transparent disposal in accordance with law;
- d) Disciplinary and criminal proceedings be initiated against all those responsible;
- e) Restrain the respondents No.8, 9 and 10 or anybody else acting on their behalf from selling/ alienating/ transferring and/or allotment of any residential/ commercial plot to anyone till the final conclusion of the inquiry to be conducted by the official respondents;
- f) Any other/further relief which this Honourable Court deem fit and proper under the circumstances of the case, may also be granted.

2. The Petitioners assert that Petitioner No.1, Mr. Jameel Ahmed Shamsi, is a member of the Qureshi Cooperative Housing Society and the transferee/owner of Plot No.83, admeasuring 240 square yards, situated in Sector 26-A, Scheme-33, Karachi. Similarly, Petitioner No.2, Ms. Rubina Naz, is also a member of the said Society

and the transferee/owner of Plot No.132, also measuring 240 square yards, in Sector 26-A, Karachi. Respondents No.1 to 5 are government functionaries who, under the Sindh Cooperative Societies Act, 2020 and the rules made thereunder, are legally obliged to regulate and oversee the affairs of cooperative societies within the province. Respondent No.7 is the Qureshi Cooperative Housing Society Ltd., duly registered under the applicable cooperative society laws, while Respondents No.8, 9 and 10 are the former Treasurer, former Administrator, and former Secretary of the Society, respectively. The Petitioners' grievance is that, since 2014, Respondents No.8 to 10, in active collusion with Respondents No.3 to 5, have engaged in gross mismanagement, corruption, and the misappropriation of Society funds. It is alleged that they fabricated membership lists, misused substantial sums of money, and failed to hold Society elections as mandated by law. Multiple complaints were lodged by members, following which the Government of Sindh assumed control of the Society's affairs and appointed an Administrator in 2014. However, the Petitioners allege that the appointed Administrator, too, in concert with Respondents No.8 to 10, indulged in unlawful practices such as illegal allotments, arbitrary cancellation and re-allotment of plots to non-members, and the disposal of high value commercial and amenity plots at unreasonably low prices. It is further submitted that a Division Bench of this Court, in its judgment dated 11.11.2024 in CP No.D-4921/2022, had already taken cognizance of similar irregularities in other cooperative societies. Nevertheless, the official respondents have failed to take appropriate measures to curb the continued corruption and maladministration within the present Society. Consequently, the members are suffering significant financial losses, and public confidence in the cooperative housing framework is being severely undermined. The Petitioners maintain that, having been left without any alternative, efficacious or adequate remedy, they have been constrained to approach this Court for redressal of their grievances.

3. Learned counsel submitted that a Division Bench of this Court, while deciding CP No. D-4921/2022, had taken cognizance of the irregularities prevailing in cooperative societies. However, the official respondents have failed to implement the directions issued therein, resulting in the continuation of similar irregularities within

the present Society. Consequently, the members continue to suffer, and the affairs of the Society remain mismanaged. He, therefore, prayed for the issuance of notices to the respondents.

4. We have heard learned counsel for the parties and examined the record with due diligence and care.

5. The primary requirement for invoking the constitutional jurisdiction of this Court under Article 199 of the Constitution of the Islamic Republic of Pakistan is that the petitioner must be an "aggrieved person." In the present case, the Court specifically inquired whether the petitioners' individual properties were in dispute, whether any adverse action had been taken against them, or whether their ownership documents had been tampered with. The learned counsel for the petitioners candidly admitted that no such grievance exists. In the absence of any direct infringement of the petitioners' legal rights or interest, no cause of action has accrued against them. Mere general allegations of mismanagement within the Society, without personal legal injury, do not confer locus standi upon the petitioners to maintain a constitutional petition.

6. Furthermore, this Court is of the view that allowing every member of a cooperative housing society to independently approach the Court on internal management issues-without any specific injury or violation of personal rights-would not only be inconsistent with settled legal principles but would also unnecessarily burden the judicial system and undermine the internal regulatory framework of such societies. If the Society as a collective body considers itself aggrieved by the inaction or misconduct of public officials, it remains within its prerogative to initiate appropriate legal proceedings.

7. In view of the above, the petition is misconceived and accordingly dismissed. However, it is clarified that should any adverse action be taken against the petitioners in future, they shall be at liberty to avail appropriate remedy before the competent forum in accordance with law.

JUDGE

JUDGE

Ayaz Gul