

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

C.P.No.D-6210 of 2025

(Parkash Kumar and others v. Province of Sindh and others)

DATE ORDER WITH SIGNATURE(S) OF JUDGE(S)

Present

Mr. Justice Adnal-ul-Karim Memon
Mr. Justice Abdul Mobeen Lakho

1. For order on office objection.
2. For hearing of CMA No.26068/2025
3. For hearing of main case.

Dare of hearing and orders 23-01-2026

Mr. Taha Abdul Samad, Advocate for the Petitioner.

Mr. Mehran Khan, A.A.G.

Mr. Zahid Ali, Election Officer/Inspector Cooperative Department, Government of Sindh is present.

Malik Waseem Iqbal, Advocate for Interveners.

Mr. Zahoor Ahmed Chachar, Advocate for Interveners.

Mr. Nasrullah Korai, Advocate for Interveners.

Mr. Aslam Shaikh, Advocate/Intervener in person.

ORDER

Adnal-ul-Karim Memon, J:- Petitioners prayed to pass judgment and orders in the following terms:

(a) Declare that the impugned letter dated 13.12.2025 issued by Respondent No. 02 is without lawful authority, illegal, mala fide, of no legal effect, and liable to be set aside;

(b) Declare that Rule 9(4) of the Sindh Cooperative Societies Rules, 2020, is liable to be read down to the extent that the restriction on contesting a third consecutive term applies only to members of the Managing Committee and does not extend to the office of the President of the Society;

(c) Suspend the operation of the impugned letter and restrain the Respondents from issuing or acting upon any further notifications, directions, or orders affecting or delaying the elections of Respondent No. 03;

(d) Appoint the learned Nazir of this Honourable Court as Receiver/Election Officer for the purpose of conducting free, fair, and transparent elections of Respondent No. 03, and direct that such elections be conducted within a period of three months or within such time as this Honourable Court may deem appropriate;

(e) Grant any other or further relief(s) as this Honourable Court may deem just, equitable, and proper in the circumstances of the case.

2. The case of the Petitioners is that they are bona fide members of Respondent No. 03, a duly registered housing society established in 1990, comprising 697 members. Their membership and the Society's governing documents stand duly substantiated on record. It is urged that the affairs of Respondent No. 03 are presently being run by a Managing Committee which

has lost its lawful mandate due to the illegal and arbitrary interference of Respondent No. 02. It is submitted that under the Bye-laws, Election Rules, and Rule 9 of the Sindh Cooperative Societies Rules, 2020, one-third of the ten-member Managing Committee is required to retire annually, while the President is elected annually. It is emphasized that the last lawful elections were conducted in 2021 under the supervision of the Nazir of this Court, followed by regular annual retirements. The last elections were held in April 2024, whereas the elections due for 2025 were unlawfully delayed despite due intimation by the retiring members. It is added that in accordance with the Election Rules, an Election Committee was duly constituted, the voters' list finalized, candidates approved, and elections scheduled for 14.12.2025 with public notice issued. However, Respondent No. 02, without lawful authority, issued an impugned letter dated 13.12.2025, postponing the elections at the eleventh hour, causing grave prejudice and disenfranchisement of members. However, the objections raised regarding the voters' list were mala fide and related to members who had lawfully cleared their dues under a concession approved by the Managing Committee and were fully eligible to vote. It is also added that respondent Nos. 02 and 04 further misapplied Rule 9(4) by erroneously conflating the tenure of Managing Committee members with that of the President, whose office is separately governed and elected annually. It is emphasized that there exists no provision of law empowering Respondent No. 02 to postpone the elections in the manner done, as such, the impugned actions are without jurisdiction, arbitrary, mala fide, and in violation of the Act, Rules, and Bye-laws. They prayed to allow the petition.

3. The Applicants/Interveners claim that they also bona fide members and contesting candidates of Respondent No. 03, Makhdoom Bilawal Cooperative Housing Society, and lawful participants in the elections scheduled for 25.01.2026 pursuant to Notice dated 08.01.2026, and they may be impleaded as proper and necessary parties in the present proceedings. It is prayed that all challenges raised in the petition relating to the conduct of elections, voters' list, rebates, and the authority of the Election Officer, the same matters already considered by the Registrar on 24.12.2025 be adjudicated after affording the Applicants/Interveners an opportunity of hearing, and that no order prejudicial to them, including postponement of elections, appointment of a Nazir, or alteration of the voters' list, be passed. It is further prayed that the democratic process of election of the society, as scheduled for 25.01.2026, be allowed to proceed in accordance with law, and prayed to dismiss the petition.

4. Prima facie, the grounds disclosed by both parties shall be examined by the election officer in accordance with law, after hearing them and considering documentary evidence.

5. In view of the facts and circumstances, and with the consent of the parties, this petition is disposed of by appointing the Official Assignee of this Court as Election Officer for Respondent No. 03, Makhdoom Bilawal Cooperative Housing Society. The Official Assignee shall conduct free, fair, and transparent elections within the current month or as per his convenience, without unnecessary delay. However, it is made clear that before the elections, the voters' list shall be verified strictly in accordance with the Society's Bye-laws and Election Rules, and only bona fide members shall be permitted to vote or contest the election. Any eligible plot-owning member fulfilling the Bye-laws shall also be allowed to participate, notwithstanding objections not supported by law, to be taken care of by the Election officer. The fee of the Official Assignee is fixed at Rs. 200,000/-, payable in advance in equal shares by both contesting sides.

6. In view of the foregoing, it is directed that until the completion of the election process, no party shall take any coercive, prejudicial, or unilateral action which may, directly or indirectly, affect the electoral process, the voters' list, or the candidature of any contestant. The newly appointed Administrator/Election Officer shall strictly confine himself to conducting the election in a fair, transparent, and lawful manner and shall not take any major financial or administrative decision, save and except those necessary for the conduct of elections and routine day-to-day affairs, and shall announce the result and handing over the affairs of the society to duly elected body in accordance with law.

7. With these directions, the petition and all pending applications stand disposed of.

JUDGE

JUDGE

Shahzad Soomro