

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI

Constitutional Petition No. D-4778 of 2026
(Muhammad Bin Qasim Cooperative Housing Society Limited versus Government of Sindh and others)

Date	Order with signature of Judge
------	-------------------------------

Mr. Justice Adnan-ul-Karim Memon
Mr. Justice Muhammad Jaffer Raza

Date of hearing: 03.8.2026

Mr. Munawar Hussain, Advocate for the petitioner

ORDER

Adnan-ul-Karim Memon, J. Petitioner has filed this Constitutional Petition under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, with the following prayer: -

- a) *To direct the respondent No. 1 to 3 & 7 to 9 to recover the society's record from the respondent No. 6; it is a matter of hundreds of innocent members of society.*
- b) *To direct the respondent No. 1 to 3 & 7 to 9 to conduct a strict, impartial enquiry in the matter and submit their respective enquiry reports before this Honorable Court within the stipulated time.*
- c) *To direct the respondent No.7 & 9 to initiate strict investigation in respect of the alleged Town Municipal Cooperative which does not exists at all and also investigation shall be conducted in respect of the illegal and unlawful assets of the respondent No. 6, and the illegal and unlawful assets may be taken in governmental possession.*
- d) *To conduct an enquiry in respect of the fraudulent activities of the respondent No: 6 in respect of the M/s. Amna Cooperative Housing Society. And a proper report should be obtained from the report of M/s. Amna Cooperative management of Housing Society and the record of the said society should be examined and particularly the applications against the respondent No.6 and the report of the respondent No. 2, 3, 7 & 9 shall be obtained.*
- e) *To direct the respondent No:2, 3 & 7 to conduct an impartial investigation against the respondent No. 4 & 6 that why and how the respondent No.4 appointed the respondent No. 6 as an administrator of the petitioner's society even the respondent No. 6 has not entitled to be of any appointed as an administrator society, and also investigation shall be conducted that why and how the respondent No. 6 was appointed an administrator in various societies by the respondent No.4 even an officer of BPS 17 is not entitled to be appointed at the post of the Director.*
- f) *To pass a strict direction to the respondent No. 6 for returning all the society's records in the original position to the petitioner's management immediately without fail.*
- g) *To grant permanent injunction in favor of the petitioner and against the respondent No. 4 to 6 therein directing the respondents, their subordinates, workers, colleagues, employees, agents, or anybody else acting on their behalf not to use the illegal and unlawful Notification*

No: so/c-1) II (33)/2010/655 dated 26-04-2026 as the same was cancelled by the respondent No. 4 through notification dated 19-06-2026 as well as not to interfere in the matter of the petitioner's society and using the records of the society which was illegally in of the custody respondent No.6, in any manner whatsoever in nature till the final disposal petition. of this constitutional

h) To direct the respondent No. 7, 8 & 9 to prosecute and punish the respondent No. 4 & 6 by registering FIR for their illegal and unlawful act and they are liable to be strictly punished/dealt in accordance with law.

2. We asked the counsel to satisfy this court about the maintainability of the petition.

3. Learned counsel for the petitioner submits that the petitioner society, namely M/s Muhammad Bin Qasim Cooperative Housing Society Limited, Karachi, was registered in 1979 and was allotted 40 acres of land situated at Deh Taizer, Scheme No.33, Malir, Karachi, by the Government of Sindh, Land Utilization Department in 1994 under the relevant provisions of the Colonization of Government Land (Sindh) Act, 1912. Learned counsel submits that the petitioner society was illegally superseded by the Cooperative Department vide Notification dated 23.04.2026, whereby respondent No.6 was appointed as Administrator, despite the fact that he was not legally eligible for such appointment. It is contended that the said action was taken without any complaint, inquiry, or lawful justification against the society or its management. The petitioner challenged the said notification before the Special Cooperative Court, which suspended the notification and restored the management of the society vide order dated 29.04.2026. Learned counsel further submits that despite the restoration order, respondent No.6, along with unauthorized armed persons, forcibly entered the society premises, took illegal possession of the office, and removed the original record and valuable articles of the society. It is argued that the said conduct was in clear violation of the interim order passed by the Special Cooperative Court, whereby the respondent was directed to return the society record. It is contended that respondent No.6 failed to comply with the court order and allegedly demanded illegal gratification for returning the record of the society. The petitioner management approached the concerned police authorities and filed complaints against the illegal acts of respondent No.6. Learned counsel submits that allegations of corruption, misuse of authority, and irregularities in other cooperative societies are also pending against respondent No.6, requiring an impartial inquiry by the competent authorities. Learned counsel submits that subsequently the Cooperative Department issued another notification dated 19.06.2026, cancelling the earlier appointment of respondent No.6 and appointing another Administrator/Inquiry Officer. However, the society's record still remains

unlawfully withheld, causing serious prejudice to hundreds of members of the society. It is argued that the actions of the respondents are without lawful authority, arbitrary, and violative of the rights of the petitioner society and its members. Therefore, the petitioner has approached this Court under Article 199 of the Constitution seeking directions for recovery of the society's record, impartial inquiry into the illegal actions of the respondents, and protection against further interference in the affairs of the society. Learned counsel lastly prays that appropriate directions may be issued to the concerned authorities to recover the original record of the society, conduct a transparent inquiry against the responsible officials, and ensure that the respondents do not misuse the cancelled notification or interfere with the lawful management of the petitioner society.

4. We have heard the learned counsel for the petitioner on the maintainability of the petition and perused the record with his assistance.

5. It appears that the grievance of the petitioner primarily arises out of the alleged illegal supersession of the petitioner society, appointment of Administrator, and subsequent removal/withholding of society record. The petitioner has already availed the statutory remedy by instituting Suit No.2912 of 2026 before the Special Cooperative Court, wherein the learned trial Court has exercised its jurisdiction and, after examining the relevant documents, suspended the impugned Notification dated 23.04.2026 and restored the management of the society.

6. It is an admitted position that the controversy raised in the present petition is already the subject matter of proceedings pending before the competent forum. The learned trial Court has not only taken cognizance of the grievance of the petitioner but has also granted interim relief by restraining the respondents from interfering with the affairs, management, possession, and record of the society. Therefore, the petitioner has an efficacious alternate remedy available under the relevant cooperative laws, and no exceptional circumstances have been demonstrated warranting interference by this Court in its constitutional jurisdiction under Article 199 of the Constitution.

7. The constitutional jurisdiction of this Court is discretionary and extraordinary in nature and cannot ordinarily be invoked where the law provides an adequate and effective statutory remedy. The settled principle, reiterated by the superior judiciary, including the Federal Constitutional Court of Pakistan, is that constitutional jurisdiction should not be exercised as a substitute for ordinary remedies available before the competent statutory forums, particularly where disputed questions of fact require evidence, inquiry, and adjudication by the forum established under the law.

8. In the present case, the allegations regarding illegal removal of record, misconduct, corruption, appointment of Administrator, and alleged irregularities in other cooperative societies involve disputed questions of fact requiring evidence, which can appropriately be examined by the Special Cooperative Court or the competent investigating authorities. This Court, while exercising jurisdiction under Article 199, cannot conduct a fact-finding inquiry or assume the role of the trial forum.

9. Furthermore, the interim order passed by the learned Special Cooperative Court demonstrates that the petitioner has already obtained substantial protection against the alleged illegal actions of the respondents. The petitioner has not shown any violation of the said order or any failure of the statutory forum to provide effective relief, which could justify extraordinary constitutional intervention.

10. Accordingly, keeping in view the availability of an efficacious alternate remedy, pendency of proceedings before the competent Special Cooperative Court, and the principles governing exercise of constitutional jurisdiction as reaffirmed by the Federal Constitutional Court, the present petition is found to be not maintainable at this stage. However, the petitioner shall be at liberty to pursue all available remedies before the Special Cooperative Court and other competent authorities in accordance with law. The concerned forums shall decide the matter strictly on merits, uninfluenced by any observations made herein.

11. Resultantly, the constitutional petition is dismissed in limini as not maintainable, along with pending applications, if any.

12. These are the reasons of our short order of even date.

JUDGE

JUDGE