

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
C.P No.D-5927 of 2024

Date	Order With Signature Of Judge
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Priority.
<ol style="list-style-type: none">1. For orders on office objection.2. For hearing of CMA No.26036/2024.3. For hearing of main case.

28.01.2026

Mr. Raghib Ibrahim Junejo, advocate for the petitioner.

Mr. Abdul Jalil Zubedi, AAG.

Syed Hasnain Shah, Deputy Registrar (Legal & Technical) Karachi.

The petitioner Shamshad Cooperative Agricultural Marketing & Credit Society Limited, through its Chairman, has filed this petition under Article 199 of the Constitution of the Islamic Republic of Pakistan 1973 seeking the following relief:-

- a. "To declare that despite the repeated requests to appoint observer/election officer under Rule 9(6) or under Section 12(2) to observe the Annual General Body meeting is passing impugned order dated 20.09.2024 referring to another impugned order 09.01.2024 for appointment of administrator is illegal, unlawful, void ab initio and of no legal effect.
- b. To declare that no cause accrued with the respondents to appoint administrator of the society vide impugned order dated 20.09.2024 and 09.01.2024 is illegal and unlawful and contrary to the spirit of Act 2020.
- c. To suspend the operation of impugned order dated 20.09.2024 and 09.01.2024 as void ab initio."

2. Learned counsel for the petitioner submits that the instant petition has been filed on account of unlawful, arbitrary, and excessive exercise of powers by the official respondents, who, instead of appointing an Election Officer as mandatorily required under Rule 9(6) of the Sindh Cooperative Societies Rules, 2020 for holding the Annual General Body Meeting, have illegally appointed an Administrator by superseding the duly functioning society. It is contended that the petitioner society is a duly registered society under the Societies Act, 1925 since 07.04.1964, having lawful aims, objects, membership, and valuable immovable property measuring 34 acres. The society has been managing its affairs independently for decades, and the last administrator appointed in 2008-09 conducted elections and handed over charge to the elected body, after which elections continued to be held regularly. He argued that after promulgation of the Sindh Cooperative Societies Act, 2020, elections require the presence of an observer/election officer. Since 2020, the petitioner society has repeatedly approached the respondents for appointment of an Election Officer, but no

action was taken. Instead, without issuing any show cause notice, assigning any lawful reason, or recording any dissatisfaction as required by law, the respondents issued the impugned order dated 20.09.2024 (with reference to another order dated 09.01.2024), appointing an Administrator, allegedly by cancelling and reappointing a previous administrator on the same terms. Learned counsel submits that such an appointment is wholly without jurisdiction, void ab initio, and contrary to the scheme of the Act and Rules, particularly when no default, mismanagement, or emergency was ever established against the petitioner society. The action is also malicious, as no work has been shown to have been carried out by the so-called administrator. It is further submitted that this Court, in CP No. D-6609/2020 vide order dated 11.11.2024, has already taken notice of discrepancies in appointments of administrators, whose observations squarely apply to the present case. In these circumstances, the impugned orders dated 09.01.2024 and 20.09.2024 are illegal, unlawful, and liable to be set aside, and the respondents are directed to act in accordance with the law by facilitating elections instead of superseding the society.

3. Learned AAG submits that this petition can be disposed of by appointing Justice (R) Nadeem Azhar Siddiqui as an administrator/commissioner/election officer to carry out the election process within two months.

4. We have heard the learned counsel for the parties and perused the record with their assistance.

5. In view of the foregoing submissions, and keeping in mind that the core grievance of the petitioner society relates to non-appointment of an Election Officer despite repeated requests, this Court finds that the impugned orders dated 09.01.2024 and 20.09.2024, whereby an Administrator was appointed, are not sustainable in law, particularly when no default, mismanagement, or emergent circumstance warranting supersession of the society was ever established. However, since both learned AAG and learned counsel for the petitioner have jointly suggested, and the petitioner has expressly consented, that the matter can be resolved by ensuring a transparent and lawful election process, this Court deems it appropriate, in the interest of justice and to avoid further litigation, to appoint a neutral and independent person to oversee the elections of the respondent Society.

6. Accordingly, with consent of the parties, Justice (R) Nadeem Azhar Siddiqui is hereby appointed as Commissioner/Election Officer to conduct

and supervise the election of the petitioner society strictly in accordance with the Sindh Cooperative Societies Act, 2020 and the Rules framed thereunder, including finalizing the voters' list as per bylaws of the society and law, and completing the entire election process within a period of two months from the date of receipt of this order. He is further authorized to conduct the election at his convenience, to receive and decide objections, if any, in the interest of the society. He may also take financial decisions strictly limited to day-to-day affairs necessary for the completion of the election process. The parties shall extend full cooperation to the Commissioner/Election Officer and shall not interfere in the election process in any manner. The fee of Justice (R) Nadeem Azhar Siddiqui is fixed at Rs.200,000/-, which shall be paid by the petitioner society in advance.

7. With these directions, the petition, along with pending application(s) stands disposed of.

JUDGE

JUDGE

Shahzad Soomro