

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
C.P. No. D-568 of 2026
M/s Sindhi Momin Cooperative Housing Society Ltd. Karachi
Versus
Province of Sindh and others

Date	Order with signature of Judge(s)
------	----------------------------------

Before:
Mr. Justice Adnan-ul-Karim Memon
Mr. Justice Zulfiqar Ali Sangi

Date of hearing and Order: 05.03.2026

M/s. Ahmed Ali Ghumro and Abdul Samee, Advocates for Petitioner.
Mr. Abdul Wahab Baloch, Advocate for Respondent No.3.
Mr. Abdul Jaleel Zubedi, A.A.G.

ORDER

Adnan-ul-Karim Memon, J. – Petitioner M/s Sindhi Momin Cooperative Housing Society Ltd. Karachi has filed this Constitution Petition under Article 199 of the Constitution of the Islamic Republic of Pakistan 1973, seeking the following relief:-

- i. *Hold that the act of respondent No. 1 has issued impugned notification dated 02-01-2026 whereby the respondent NO.3 is appointed as incharge committee/administrator to conduct the election of the petitioner society in violation of the Sections 6 and 7 of the Sindh Co-operative Housing Authority Ordinance, 1982 and the rule 9 (5) of the Sindh cooperative societies Rule, 2020 therefore the impugned orders are illegal, unlawful without any lawful authority having no legal effect.*
- ii. *Holding that the impugned notification dated 02-01-2026 issued by the respondent NO. 1, the Respondent No. 3 ceased the election process and affairs of the Managing Committee of the Petitioner Society without lawful authority, which shows the malafide intention of the respondents to usurp the plots of the genuine members. Therefore, the impugned order is illegal, unlawful having no legal effect.*
- iii. *Hold that Respondent No. 1 Issued the Impugned notification dated 02-01-2026 without any lawful justification whatsoever, and that the reasons, if any, stated therein are baseless, arbitrary, and misconceived, Inasmuch as the election schedule and programme of the petitioner Society had already been duly announced by the Election Committee lawfully appointed by Respondent No. 2, and all arrangements were in place to conduct the election strictly in accordance with Rule 9(2) of the Sindh Co-operative Societies Rules, 2020, for the election of the President and one-third (1/3rd) members of the Managing Committee.*
- iv. *To declare that the impugned notification dated 02-01-2026, issued by Respondent No. 1, appointing Respondent No. 3 as Administrator/In-charge Committee of the petitioner Society who is employee of the local government which show the malafide intention of the respondents to deprive the members from the plots as such the act of respondent is illegal, without lawful authority, coram non judice, ultra vires the Sindh Co-operative Housing Authority Ordinance, 1982, the Sindh Co-operative Societies Act & Rules liable to be set aside;*

- v. *To direct the Respondents to restore forthwith all original records, registers, and documents of the petitioner Society unlawfully seized on 29-01-2026, and restrain them from interfering in the lawful administration and election process of the petitioner Society.*
- vi. *To set aside the impugned notification dated 02-01-2026, which was issued by the respondent no. 3, along with all actions taken pursuant thereto, including the unlawful seizure of records of the petitioner Society.*
- vii. *To suspend the operation of the impugned notification dated 02-01-2026, which was issued by the respondent No.1 with malafide intention.*
- viii. *To permanently prohibit and restrain the Government functionaries, officers, representatives, and Respondents from taking any further action in consequence to the impugned notification dated 02-01-2026 and to pass any other orders against the Petitioner society.*
- ix. *Any other Relief that this Hon' able Court may deem just and appropriate.*
- x. *Cost of the Petition may also be granted.*

2. The case of the Petitioner is that on 29-12-2025, Respondent No.2 appointed an Election Committee comprising an Election Officer and two members to conduct elections for the office of President and one-third members of the Managing Committee in accordance with Rule 9 of the Sindh Co-operative Societies Rules, 2020. The election was directed to be completed within thirty days. Subsequently, the Election Officer initiated the election process on 06-01-2026 and issued the election schedule on 08-01-2026, fixing 15-02-2026 as the date of the election. The election programme and agenda were duly published through a press release to ensure transparency and participation of all members. In furtherance of the election process, the Honorary Secretary convened the Annual General Body Meeting on 15-02-2026 through a notice dated 09-01-2026 and communicated the same to all members. The list of retiring members of the Managing Committee was also issued and provided to the Election Committee in accordance with the bye-laws. Thereafter, the Election Committee issued the verified list of 485 eligible members for the 2026 elections and subsequently published the list of contesting candidates on 20-01-2026. After withdrawals on 24-01-2026, the final list of candidates was issued, and all arrangements were completed for holding the elections. However, on 29-01-2026, officials of the Cooperative Department, along with Respondent No.3, unlawfully entered the office of the petitioner society and seized original records, members' files, registers, a laptop, cheque books, and other documents without lawful authority. When questioned, Respondent No.3 produced a notification dated 02-01-2026 claiming his appointment as Administrator/In-charge Committee by Respondent No.1.

3. The petitioner's counsel contends that the said notification was issued without jurisdiction and in violation of the Sindh Co-operative Housing Authority Ordinance, 1982. The notification appears to have been backdated, as the record indicates reference to 29-01-2026 and an application of Respondent No.3 seeking a search warrant on the same date, suggesting that the notification was manufactured subsequently to justify the unlawful seizure of records and interference with the ongoing election process. It is further contended that under Sections 6 and 7 of the Sindh Co-operative Housing Authority Ordinance, 1982, the Secretary Cooperative Department has no authority to supersede the management or appoint an administrator without approval of the Government and the Authority, and without providing notice and an opportunity of hearing to the society. He added that no such procedure was followed in the present case, rendering the impugned notification illegal, without lawful authority, and void ab initio. The petitioner asserts that the society had been regularly holding meetings, conducting elections, and complying with audit requirements. The abrupt appointment of an administrator during an ongoing election process amounts to abuse of authority and violates Articles 4 and 10-A of the Constitution. The petitioner also apprehends that the impugned action may facilitate the manipulation of the election process and interference in the property and affairs of society. Accordingly, the petitioner has prayed that the impugned notification dated 02-01-2026 appointing Respondent No.3 as Administrator from the local government department be declared illegal, without lawful authority and of no legal effect; that the respondents be restrained from interfering in the affairs and election process of the society; and that all records seized on 29-01-2026 be restored. He prayed to allow this petition.

4. The learned AAG, assisted by the counsel for the private respondents, contends that the petition is not maintainable as the society was superseded by Respondent No.1 under Sections 6 and 7 of the Sindh Cooperative Housing Authority Ordinance, 1982, after an inquiry revealed serious violations by the society. The inquiry officer reported several irregularities, including failure to update the registered office address, illegal commercial use of residential plots, encroachments, cancellation and re-allotment of plots without approval, failure to amend bye-laws, non-holding of monthly meetings, and absence of employment and election rules. In light of these violations and complaints from members, the Secretary Cooperative Department superseded the society and appointed Respondent No.3 to conduct fair and transparent elections. Consequently, the earlier election order issued by the Registrar was cancelled, and the respondent department subsequently issued another office order of even date, cancelling the impugned notification dated 2.1.2026. He prayed to dismiss the petition.

5. The learned Counsel for Respondent No.3 further argues that the petition is barred under Section 116 of the Sindh Cooperative Societies Act, 2020, which excludes the jurisdiction of courts in matters relating to the management or business of cooperative societies, and that disputes relating to society affairs must be referred to the Special Court for Cooperative Societies. The counsel for respondents, therefore pray that the petition be dismissed and the department be allowed to conduct elections in accordance with the law.

6. After hearing the learned counsel for the parties and examining the material placed on record, the controversy essentially revolves around two legal questions Whether the impugned notification appointing Respondent No.3 as Administrator during the ongoing election process was issued in accordance with the statutory framework. In addition, whether the present constitutional petition is barred in view of Section 116 of the Sindh Cooperative Societies Act, 2020.

7. At the outset, it is settled law that where a statute provides a complete mechanism for redress of grievances, ordinarily the High Court refrains from exercising its constitutional jurisdiction under Article 199 of the Constitution. However, such restraint does not apply where the impugned action is without lawful authority, coram non iudice, or taken in violation of fundamental rights or mandatory statutory provisions.

8. The Sindh Cooperative Societies Act, 2020, read with the Sindh Cooperative Societies Rules, 2020, provides a self-contained mechanism for the resolution of disputes relating to the affairs of cooperative societies through the Special Court for Cooperative Societies, and Section 116 bars the interference of ordinary courts in matters entrusted to authorities under the Act. Nevertheless, the bar of jurisdiction is not absolute where the impugned order itself is alleged to have been issued without jurisdiction or in violation of statutory preconditions.

9. The record reflects that the election process had already commenced pursuant to the order dated 29-12-2025, whereby the Election Committee was constituted, and the election schedule was issued, fixing 15-02-2026 as the election date. The list of eligible members and contesting candidates had already been finalized, and the process had substantially progressed. At such a stage, the abrupt appointment of an Administrator and seizure of society records prima facie interfered with the election process already underway.

10. Under Sections 6 and 7 of the Sindh Co-operative Housing Authority Ordinance, 1982, supersession of the management committee and appointment of an administrator can only be undertaken after fulfillment of statutory conditions, including proper inquiry and adherence to due process. The exercise of such

power must therefore be strictly in accordance with law, failing which the action would be rendered without lawful authority.

11. In the present case, the respondents rely upon an inquiry report alleging irregularities in the affairs of the society. However, nothing on record demonstrates that the mandatory procedural safeguards, such as issuance of notice to the society and opportunity of hearing, were complied with prior to issuance of the impugned notification. The purported seizure of records on 29-01-2026 further raises serious questions regarding the manner in which the authority was exercised.

12. It is well settled that statutory powers affecting civil rights must be exercised fairly, reasonably, and in accordance with due process. Any administrative action taken in violation of these principles offends Articles 4 and 10-A of the Constitution, which guarantee protection of law and due process.

13. Touching the issue of the appointment of an Administrator of the cooperative Housing society, from other departments of government of Sindh under the cooperative law, primarily, the scheme of the Sindh Cooperative Societies Act, 2020 and the regulatory framework governing cooperative housing societies contemplate that the affairs of a society are to be managed either by a duly elected managing committee or, in exceptional circumstances, by an administrator appointed strictly in accordance with the law. Even in such circumstances, the appointment must be made from amongst the officers competent under the cooperative department who possess knowledge of cooperative management and who are subject to the supervisory jurisdiction of the registrar or competent authority under the statute. The law does not envisage that an officer belonging to an entirely unrelated department, having no statutory nexus with the cooperative regulatory framework, may be imposed as an administrator over a registered cooperative society, or in cases where the court directs otherwise. In this context, the provisions of the Sindh Co-operative Housing Authority Ordinance, 1982, read with the cooperative regulatory regime, indicate that the supervisory and regulatory functions concerning cooperative housing societies vest in the competent cooperative authorities established under the law. The power of supersession and appointment of an administrator is therefore required to be exercised within the parameters of the statutory scheme and by appointing a person who lawfully falls within the administrative structure contemplated by the law. The appointment of a person from an unrelated department, who is neither shown to be an officer of the cooperative department nor placed under the statutory control of the registrar, would therefore be inconsistent with the scheme of the law and liable to be struck down. However, in peculiar circumstances court can intervene and appoint a neutral administrator. The superior courts have also emphasized that where the legislature prescribes a

particular mechanism or authority for performing statutory functions, the same must be exercised only in the manner provided by law. The statutory powers must be exercised strictly within the confines of the enabling statute, failing which the action becomes without lawful authority. It is well settled that when a statute prescribes the manner in which a power is to be exercised, it must be exercised in that manner alone and not otherwise. This Court has also previously observed in matters relating to cooperative housing societies that administrative authorities cannot bypass the statutory framework governing such societies. The governmental interference in the affairs of a cooperative society must strictly conform to the governing law and cannot be undertaken through ad-hoc administrative measures that are not recognized by the statute. Viewed in the above legal context, the appointment of Respondent No.3, who admittedly belongs to another department and whose appointment as Administrator is not shown to be sanctioned under the cooperative statutory framework, further reinforces the conclusion that the impugned notification was issued without lawful authority. Such an appointment not only departs from the statutory scheme but also undermines the autonomy and regulatory structure envisaged for cooperative societies under the law. Furthermore, courts have repeatedly emphasized that the election process of cooperative societies should not be interfered with arbitrarily once it has commenced, except through lawful procedures provided by the governing statute.

14. Consequently, while disputes touching the business or management of a cooperative society are ordinarily to be adjudicated by the Special Cooperative Court, the present controversy relates primarily to the legality of the governmental notification and exercise of statutory power, which falls within the constitutional jurisdiction of this Court.

15. In view of the above discussion, the objection regarding the bar of jurisdiction under Section 116 of the Sindh Cooperative Societies Act, 2020, is not attracted where the impugned action is alleged to be without lawful authority and violative of mandatory statutory provisions. The appointment of Respondent No.3 as Administrator during the subsistence of a duly initiated election process, without demonstrating compliance with the statutory procedure, cannot be sustained in law. The interference with the election process and seizure of society records without lawful authority is contrary to the principles of due process and fair administration.

16. Accordingly, the impugned notification dated 02-01-2026, whereby Respondent No.3 was appointed as Administrator, or any other person by the respondent department if any, being issued without lawful authority and in violation of statutory requirements, is declared illegal and of no legal effect.

17. 17. In light of these findings, and to ensure compliance with the statutory scheme under the Sindh Cooperative Societies Act, 2020, and the Sindh Cooperative Societies Rules, 2020, this Court deems it fit and proper to direct the appointment of an Official Assignee as Election Officer. The Official Assignee shall, assume full authority to supervise and conduct the election process of the society in accordance with the law; Exercise all powers necessary under the cooperative statutes to ensure free, fair, and transparent elections; Restore the society records seized on 29-01-2026 and maintain full control over the election proceedings; Complete the election process within two months from the date of assumption of charge; and Fix his fee in consultation with the parties. However, the Official Assignee may proceed with the existing election process or make such modifications as he deems fit and proper, consistent with the law, to ensure that the elections are conducted fairly, transparently, and within the stipulated period. He shall also deal with all ancillary issues related to election of the petitioner society.

18. The petition, along with pending applications, is disposed of in these terms. Let a copy of this order be communicated to all concerned for compliance to be served through electronic and watsapp application.

JUDGE

JUDGE