

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH AT KARACHI**

Date

Order with Signature of Judge

PRESENT:

**MR. JUSTICE ADNAN-UL-KARIM MEMON, J.**  
**MR. JUSTICE ZULFIQAR ALI SANGI, J.**

Constitutional Petition No. D-6273 of 2019  
(Asrar Ahmed Khan & others versus Province of Sindh & others)

Constitutional Petition No. D-4456 of 2021  
(Azimabad Cooperative Housing Society Limited & others versus Province of Sindh & others)

Constitutional Petition No. D-4627 of 2021  
(Badrunnisa & others versus Province of Sindh & others)

Constitutional Petition No. D-710 of 2023  
(Azimabad Cooperative Housing Society Limited versus Province of Sindh & others)

Constitutional Petition No. D-6158 of 2023  
(Javed Iqbal & others versus Province of Sindh & others)

Constitutional Petition No. D-200 of 2025  
(Azimabad Cooperative Housing Society Limited & another versus Province of Sindh & others)

Constitutional Petition No. D-1372 of 2025  
(Syed Shah Yousuf Imam & others versus Province of Sindh & others)

Constitutional Petition No. D-2965 of 2025  
(Syed Naseem Ahmed & others versus Province of Sindh & others)

**Date of hearing and order:- 01.4.2026**

Mr. Abdullah Azaam Naqvi advocate and Mr. Ibrahim Tahir Siddiqui advocate for petitioners in C.P No.D-2965/2025

Mr. Ovais Ali Shah advocate for the petitioners in C.P. No.D-4456/2021, for respondent No.8 in C.P. No. D-6273/2019, for respondent No.3 in C.P. No. D-4627/2021

Mr. Muhammad Umar Lakhani advocate for the petitioners in C.P. No.D-200/2025, for petitioners in C.P. No. D-4627/2021, for respondents No.4 to 6 in C.P. No. D-6273/2019

Mr. Aziz-ur-Rehman Akhund advocate for petitioners in C.P. Nos.D-4627/2021, 6158/2023, 710/2023 and 1372/2025, for respondent No.16 in C.P. No. D-200/2025

Mr. Muhammad Vawda advocate for petitioner in C.P. No. D-710/2023, for respondents No.5, 6 and 7 in C.P. No. D-2965/2025, for respondent No.7 in C.P. No. D-6273/2019, for respondent No.4 in C.P. No. D-6158/2023, for interveners No.1 to 9 in C.P. No. D-1372/2025

Mr. Ali Safdar Debar Assistant AG

Mr. Pervez Ahmed advocate for respondent No.6 in C.P. No. D-200/2025

Ms. Humaira Jatoti advocate for Sindh Master Plan Authority

Mr. Raza Mian, DSP (Legal-II) CPO

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## **ORDER**

**Zulfiqar Ali Sangi, J.** – By this common order, the Court hereby disposes of the instant petitions along with the listed application, as they involve identical questions of law and fact arising from the same set of circumstances.

2. In Constitutional Petition No. D-6273 of 2019, the Petitioners contend that Respondents No. 4 and 5, along with their officers, representatives, agents, successors-in-interest, assigns, and the members of the erstwhile management of Azimabad Cooperative Housing Society Limited (Respondent No. 6), stand disqualified from membership and, by operation of the Sindh Co-operative Housing Authority Ordinance, 1982, are precluded from holding any office or from participating in, influencing, or interfering with the affairs of the said Society. The Petitioners further pray that Respondents No. 3 and 8 be directed to undertake a forensic audit of Azimabad Cooperative Housing Society Limited (Respondent No. 6) in compliance with the express directions issued in Suo Motu Case No. 06 of 2017 by the Hon'ble Supreme Court of Pakistan. It is also sought that a writ of mandamus be issued directing Respondents No. 1, 3, and 8 to carry out development works and to conduct elections within the Society strictly after the completion of a forensic audit and/or inquiry into its affairs, and without any interference from the erstwhile management. Additionally, the Petitioners seek directions for the delivery of vacant and lawful possession of Plots bearing Nos. A-248, A-194, A-165, A-176, A-39, A-334, B-62, A-49, A-268, 4269, and A-110, situated in Azimabad Cooperative Housing Society Limited, in their favour. In support of their contentions, the Petitioners have placed various documents on record.

3. Upon service of notices, the respective Respondents entered appearance and filed their counter-affidavits. Respondent No. 8, in particular, categorically refuted the allegations, terming them false, frivolous, and defamatory, and asserted that no assets or properties of the Society had been misappropriated or unlawfully appropriated. It is further averred on behalf of the Respondents that the Assistant Registrar, Cooperative Housing Societies-VI, Karachi, conducted an audit of the Azimabad Cooperative Housing Society Limited and submitted his report dated 17.10.2014 to the Deputy Registrar, Cooperative Housing Societies, Karachi, wherein certain irregularities

and instances of misappropriation of funds by the management of Respondent No. 6 were identified. Respondents No. 4 and 5 have been specifically named in the said audit report as members of the aforesaid management, holding the respective offices of Vice-President and Secretary. Pursuant to the findings of the audit report, Respondent No. 1 issued a notification dated 22.10.2014 appointing Respondent No. 7 as the Administrator of the Society. Subsequently, vide notification dated 10.06.2019, Respondent No. 7 was reappointed as Administrator, and in compliance with the Order dated 02.10.2019, a forensic audit of the Society was initiated. It is further stated in the written statement that the record of the Society was incomplete, and that Respondent No. 7, the former Administrator, was not in possession of the complete record. It is also alleged that the previous management failed to maintain a proper and updated register of members.

4. Respondents No. 4 to 6 have filed their respective counter-affidavits, wherein the allegations contained in the petition have been categorically denied. It is asserted that the burden of proof squarely rests upon the Petitioners and that the claims advanced by them are predicated upon forged and fabricated documents. The answering Respondents have specifically denied all material averments set forth in the petition and have reserved all rights and interests of the members of the Society. It is further contended on behalf of the said Respondents that, in October 2014, the Assistant Registrar of Cooperative Societies prepared a report and submitted the same to the Deputy Registrar, along with recommendations for the initiation of adverse action against the Society on account of alleged mismanagement and maladministration. The said report was purportedly prepared under the provisions of the Sindh Co-operative Housing Authority Ordinance, 1982, and, in terms of Section 6 thereof, could only have emanated pursuant to an inquiry conducted by the Government. Reference has also been made to various pending and concluded proceedings, including Suit No. 2548 of 2014 (Azimabad Cooperative Housing Society Limited v. Province of Sindh and others), along with an application for injunction filed in December 2014 against Respondent No. 7. Further, Constitutional Petition No. D-7503 of 2015 (Syed Anwar Hussain Abid v. Province of Sindh) was instituted and subsequently withdrawn on 12.09.2019. Suit No. 1463 of 2019 (Sultan Muzaffar and others v. Province of Sindh and others) was also filed, wherein the impugned notification was suspended vide

Order dated 19.09.2019. Consequent upon these developments, Respondent No. 7 was removed from the office of Administrator and Respondent No. 8 was appointed in his place.

5. The Respondents have denied, in toto, all allegations levelled against them. Respondents No. 1 to 3 have likewise submitted their comments, wherein they have admitted the factum of supersession and the recommendations made by the Inquiry Officer, while specifically denying all other allegations. This Court has, from time to time, passed various interim as well as operative orders in the aforementioned matters.

6. In Constitutional Petition No. D-4456 of 2021, the Society along with certain members of Azimabad Cooperative Housing Society Limited (Respondent No.6) have impugned the Show-Cause Notice dated 09.07.2021, purportedly issued by Respondent No.3, and have sought injunctive relief restraining Respondent No.3 from interfering in the lawful administration and affairs of the Society. A para-wise comments/reply on behalf of Respondents No.5 and 6 has been duly filed, wherein it is, inter alia, stated that certain averments contained in the petition do not relate to the said Respondents. It has further been contended that grounds (i) and (j) raised in the petition are devoid of merit and are misleading in nature. It is also specifically asserted that the impugned Show-Cause Notice was not issued by Respondent No.5, namely the Anti-Corruption Establishment, Sindh. Vide Order dated 15.07.2021, this Court was pleased to restrain Respondent No.3 from passing any order in pursuance of the impugned Show-Cause Notice. No objections or comments have been filed by any other Respondent in the matter.

7. In Constitutional Petition No. D-4627 of 2021, the Petitioners, professing themselves to be members and stakeholders of the Azimabad Cooperative Housing Society (ACHS), call into question the legality of the appointment and continued functioning of Respondent No.3 as Administrator of the said Society. It is contended that, since the year 2014, the management and affairs of the Society have been unlawfully usurped by Government functionaries through notifications lacking lawful authority, issued in violation of mandatory statutory provisions and without adherence to due process of law, including the prescribed requirements for inquiry and opportunity of hearing. The Petitioners further assert that elections of the Society were not conducted within the time stipulated by law. It is additionally averred

that, notwithstanding various judicial pronouncements and restoration notifications, the Respondents persisted in retaining administrative control in an unlawful manner, thereby occasioning grave mismanagement, including but not limited to illegal sale and allotment of plots, tampering with official records, and fabrication of allotment documents, to the detriment of bona fide members of the Society. Reliance is placed upon a series of litigations, notifications and judicial orders to demonstrate the protracted and contentious dispute concerning the control and governance of the Society. Learned counsel for the Petitioners submits that the appointment of Respondent No.3 as Administrator is *ex facie* illegal, having been made without lawful delegation of authority and in excess of jurisdiction, thus being *ultra vires* the provisions of the Sindh Co-operation Housing Authority Ordinance, 1982, and the Sindh Co-operative Societies Act, 2020. It is further contended that the initial takeover as well as subsequent administrative actions are void *ab initio*, being devoid of lawful sanction, lacking the requisite governmental satisfaction, and having been undertaken in breach of mandatory statutory requirements. It is further urged that the continuation of administrative control beyond the permissible statutory period, and in disregard of restoration orders and status quo directives issued by competent courts, is wholly unlawful. The Petitioners allege that serious irregularities have been committed, *inter alia*, illegal allotments, forgery of documents, and misappropriation of the assets of the Society, and that Respondents No.1 and 2 have failed to discharge their statutory and regulatory obligations. In the premises, the Petitioners seek, *inter alia*, restoration of the duly elected management of the Society, declarations that the impugned actions are illegal and without lawful authority, and consequential injunctive relief to safeguard their proprietary and legal rights.

8. On the other hand, learned counsel for the Respondents has raised preliminary objections as to the maintainability of the petitions, contending that the Petitioners are devoid of *locus standi*, not being lawful members or duly authorized representatives of the Society, and that their claims are predicated upon forged and fabricated documents. It is further submitted that the petitions are barred under Section 10 of the Code of Civil Procedure, 1908, in view of the pendency of similar issues in previously instituted proceedings, particularly Suit No. 1646 of 2019, and that the disputed questions of fact involved herein are not amenable to adjudication in the exercise of

constitutional jurisdiction. On merits, the Respondents assert that the Society was lawfully taken over due to established instances of mismanagement and corruption on the part of the erstwhile management, as substantiated by audit and inquiry reports; that the appointment of Respondent No. 3 was made strictly in accordance with law, pursuant to relevant Government notifications and orders of the competent courts, including directives for the conduct of a forensic audit; and that Respondent No. 3 has acted bona fide and in compliance with the law to protect and preserve the assets of the Society. The Respondents categorically deny all allegations of illegality, forgery, or mala fides, and contend that the present petitions have been instituted with ulterior motives, aimed at impeding accountability and concealing prior acts of misfeasance.

9. In Constitutional Petition No. D-710 of 2023, the Petitioner, serving as Administrator of M/s. Azimabad Cooperative Housing Society Limited, was appointed vide notification dated 10.06.2019, inter alia, with the mandate to assume administrative control of the Society, scrutinize and verify its membership, adjudicate disputes, conduct a forensic audit, and thereafter proceed with the holding of elections. The said appointment was made consequent upon the supersession of the Society on account of serious allegations of corruption, maladministration, tampering of records, multiple and illegal allotments, encroachments, and embezzlement attributed to the erstwhile Managing Committee, as duly reflected in audit and inquiry reports of the years 2013 and 2014. It has been contended that the preceding Administrator, namely Syed Anwar Hussain Abidi, failed to effectively perform the functions entrusted to him, whereupon the present Petitioner was appointed in his stead. The Petitioner asserts that, during the course of his tenure, he undertook substantial remedial and corrective measures, including removal of encroachments and resolution of complex land-related disputes, which efforts were duly acknowledged by the competent authorities through a letter of appreciation dated 18.10.2022. Subsequently, however, vide impugned communication dated 08.12.2022, the Petitioner was called upon to show cause as to why he should not be de-notified on the alleged ground of failure to complete the forensic audit. The Petitioner maintains that the said audit could not be finalized due to factors beyond his control, including lack of cooperation from relevant departments, pendency of litigation, and subsisting judicial restraints, including status quo orders passed in connected proceedings. Feeling

aggrieved by the aforesaid impugned communication, the Petitioner has invoked the constitutional jurisdiction of this Court. Learned counsel for the Petitioner submits that the impugned communication dated 08.12.2022 is illegal, mala fide, and without lawful authority, inasmuch as the Petitioner has been diligently discharging his assigned duties and any alleged failure to complete the forensic audit is attributable solely to circumstances beyond his control, including non-cooperation by concerned authorities and judicial constraints. It is further contended that the Respondents have acted arbitrarily and in a contradictory manner, having recently acknowledged and appreciated the Petitioner's performance, yet subsequently issuing the impugned communication without any cogent or lawful justification. It is argued that the impugned action has been taken without issuance of a proper show-cause notice, without specifying any concrete allegations, and without affording the Petitioner an opportunity of being heard, thereby constituting a clear violation of the principles of natural justice as well as the fundamental rights guaranteed under Articles 4 and 10-A of the Constitution of the Islamic Republic of Pakistan, 1973. Learned counsel further submits that certain vested interests, including former members of the Managing Committee allegedly involved in corruption and unlawful occupation of land, are exerting undue influence upon the Respondents with a view to securing the removal of the Petitioner so as to regain control over the affairs of the Society. It is contended that any such removal would seriously undermine the ongoing corrective measures and pave the way for further illegality. In view of the foregoing, it is respectfully prayed that the impugned communication dated 08.12.2022 be declared null, void, and of no legal effect; the Petitioner be allowed to continue in office in terms of the notification of his appointment; and appropriate directions be issued against those responsible for the prior mismanagement, in accordance with law.

10. In Constitutional Petition No. D-6158 of 2023, the Petitioners, professing themselves to be members and former office bearers of M/s. Azimabad Cooperative Housing Society Limited, Karachi, have impugned the act of supersession of the said Society by the Government of Sindh, effected through notifications dated 22.10.2014, whereby an Administrator was appointed without affording any prior notice or opportunity of hearing, in violation of settled principles of natural justice. It is contended that initially one Syed Anwar Hussain Abidi was appointed as Administrator, who was subsequently replaced

by Respondent No. 4, namely Muhammad Asif Kaimkhani, who continues to occupy the said position to date. The Petitioners assert that in terms of Section 14 of the Sindh Cooperative Housing Authority Ordinance, 1982, it was incumbent upon the Respondents to conduct elections within a period of one year from the date of supersession, extendable up to a maximum of two years; however, no such elections were conducted, and the administrative control has unlawfully persisted for an inordinate and excessive duration. It is further alleged that during the prolonged period of supersession, the Administrators, in collusion with the official Respondents, have grossly mismanaged the affairs of the Society, misappropriated its funds, inducted fictitious members through forged and fabricated documents, and instituted multiple litigations with a view to perpetuate and legitimize their unlawful control. Reliance is also placed upon a show-cause notice issued to the Administrator on allegations of mismanagement and abuse of authority, along with subsequent proceedings purportedly initiated through non-existent or fictitious members. According to the Petitioners, such actions have resulted in the unlawful deprivation of the legitimate rights of bona fide members and the illegal usurpation of the Society's assets.

11. Learned counsel for the Petitioners submits that the supersession of the Society, as well as the appointment and continued tenure of the Administrators, are *ex facie* illegal, without lawful authority, and tainted with *mala fides*, being in direct contravention of Section 14 of the Ordinance, which mandates the holding of elections within the prescribed period. It is contended that the failure to conduct elections within such statutory timeframe renders the continuation of administrative control beyond 23.10.2015 *coram non iudice* and without jurisdiction, and consequently, all subsequent acts, deeds, and decisions of the Administrators are void *ab initio* and of no legal consequence. It is further argued that it is a settled principle of law that where a statute prescribes a particular mode for doing an act, the same must be done strictly in that manner and not otherwise. The Petitioners also allege that the Respondents, acting in concert, have committed grave illegalities, including forgery of official records, creation of fictitious memberships, misappropriation of funds, and manipulation of judicial proceedings, all aimed at sustaining their unlawful control over the Society. In view of the foregoing, it is prayed that the impugned notifications and all subsequent actions taken pursuant thereto be declared illegal, void, and without lawful

authority; that the elected management of the Society be restored through the holding of fresh elections in accordance with law; that the entire record of the Society be summoned before this Court; and that an independent inquiry be directed to be conducted by the competent anti-corruption authorities against the Administrators and other concerned officials.

12. In Constitutional Petition No. D-200 of 2025, learned counsel for the Petitioners submits that Petitioner No. 1 is a duly registered cooperative housing society comprising over 1,700 members, while Petitioner No. 2 claims to be its duly elected President, having been elected pursuant to an election process initiated by the Registrar through order dated 30.05.2024. It is contended that, following a prolonged period of supersession since 2014 and the appointment of successive Administrators, elections were ultimately conducted under the supervision of an authorized Election Officer. In such process, nine candidates were declared elected unopposed after due publication of the election schedule and in the absence of any objections. It is further averred that, upon assumption of office, the newly elected management lawfully commenced its functions; however, Respondent No. 16, along with his associates, allegedly engaged in unlawful interference, including extending threats, attempting to assume control of the Society's record, and creating hindrances in the smooth administration of the Society. It is also contended that, despite approaching law enforcement agencies, no effective protection was afforded to the Petitioners. Subsequently, Respondent No. 2 issued another order dated 11.12.2024 directing fresh elections, which, according to the Petitioners, is arbitrary, without lawful authority, and stands suspended by the Cooperative Court in Suit No. 2895/2024. Learned counsel submits that the Petitioners constitute the lawful and duly elected management of the Society, whose authority cannot be interfered with by unauthorized persons, including Respondent No. 16 and his associates. Such interference is alleged to be illegal, without jurisdiction, and violative of the Petitioners' fundamental rights, particularly those relating to property and the lawful administration of the Society. It is further submitted that the inaction on the part of the official Respondents in providing requisite protection has emboldened unlawful elements, resulting in disruption of the Society's functioning and a breakdown of law and order. Learned counsel has also assailed the subsequent order dated 11.12.2024 as being mala fide, arbitrary, and intended to undermine the duly elected management. It is,

therefore, prayed that the Petitioners be declared as the lawful management of the Society, that the private Respondents be restrained from interfering in its affairs, and that the official Respondents be directed to extend protection to the Petitioners as well as to the assets of the Society.

13. On the other hand, learned counsel appearing on behalf of Respondent No.16 has strenuously opposed the instant petition, inter alia, on the ground of non-maintainability, contending that the Petitioners have failed to approach this Honourable Court with clean hands. It is asserted that no lawful elections were ever conducted, and the claim of Petitioner No.2 to have been elected as President is founded upon forged and fabricated documents. It is further submitted that since the year 2014, the Society has continuously remained under administrative control, and no election process, as required under the applicable law and the Society's bylaws, was either initiated or concluded prior to the order dated 11.12.2024. It is additionally contended that the purported elections of 2024 are backdated, fictitious, and orchestrated in collusion with the Registrar, and are presently under challenge in independent proceedings. Learned counsel has also raised preliminary objections, submitting that the controversy involves disputed questions of fact, which fall within the exclusive jurisdiction of the Cooperative Court, particularly in light of the pendency of Suit No.2895/2024 concerning the same subject matter. It is further argued that the Petitioners have resorted to multiple parallel proceedings, thereby rendering the present petition liable to dismissal on this ground alone. All allegations of interference have been categorically denied, and it is contended that the petition has been instituted with mala fide intent to harass bona fide members who have raised objections against the unlawful acts of the Petitioners. Learned counsel representing official Respondents No.1 to 5 has submitted that the Society was superseded in 2014 owing to serious allegations of corruption, mismanagement, and financial irregularities, as established through audit and inquiry reports, necessitating the appointment of an Administrator. It is contended that the Society remained under such administrative control until the year 2024, when the Registrar, in exercise of statutory powers, initiated the election process vide order dated 30.05.2024 and appointed an Election Officer. It is submitted that the said election process was duly conducted, and the results thereof were notified through order dated 12.08.2024. It is further stated that the subsequent order dated

11.12.2024, directing fresh elections, was issued inadvertently on account of misinformation and was later withdrawn after having been suspended by a competent Court of law. Learned counsel maintains that the official Respondents have acted strictly in accordance with law, deny any mala fide or illegality, and respectfully leave the matter to the adjudication of this Court.

14. In C.P. No. D-1372 of 2025, learned counsel for the Petitioners submits that the Petitioners are bona fide members of M/s. Azimabad Cooperative Housing Society Limited, Karachi, and that certain of them were duly elected office bearers at the time when the Society was superseded in 2014. It is stated that, pursuant to such supersession, an Administrator was appointed vide notification dated 22.10.2014, which appointment is presently under challenge before this Court. It is further contended that the said Administrator was subsequently replaced through notification dated 10.06.2019, which is likewise impugned in pending proceedings. Learned counsel further submits that, notwithstanding the mandatory provisions of Section 14 of the Sindh Cooperative Housing Authority Ordinance, 1982, requiring the holding of elections within one year of supersession, no such elections were conducted for a period exceeding nine years. This prolonged inaction necessitated the institution of earlier constitutional petitions, including C.P. No. D-6158 of 2023, seeking directions for the conduct of elections under the supervision of the Nazir of this Court. It is further submitted that, during the pendency of the aforesaid proceedings, Respondent No.2 issued an order dated 11.12.2024 directing that elections be conducted through an authorized officer. However, it is alleged that, with a view to frustrate and defeat the said process, the Respondents fabricated and engineered backdated orders dated 30.05.2024 and 12.08.2024, purportedly reflecting that Respondents No.5 to 13 had been elected unopposed. Learned counsel emphasizes that no lawful election process was ever undertaken, inasmuch as no notices were issued, no electoral procedure was followed, and more than 1,700 genuine members were unlawfully deprived of their right to participate in the electoral process. It is further alleged that Respondents No.5 to 13 are either non-members or fictitious members, purportedly inducted during the period of administrative control. It is contended that the alleged unopposed election of Respondents No.5 to 13 is *ex facie* illegal, without lawful authority, and void *ab initio*, being founded upon forged and fabricated documents and in clear violation of the mandatory statutory

framework governing cooperative societies. It is further argued that the failure to conduct elections within the prescribed statutory period was deliberate, and that the subsequent attempt to legitimize an unlawful management through backdated orders is tainted with mala fides and constitutes a patent abuse of authority. Learned counsel also submits that the purported election process is devoid of transparency and legality, as no voter list was prepared, no nomination process was undertaken, and no public notice was issued, thereby infringing the fundamental and statutory rights of a substantial body of genuine members. Such actions, it is contended, are calculated to perpetuate unlawful control over the affairs and assets of the Society through handpicked individuals, resulting in grave prejudice to its lawful members. In view of the foregoing, learned counsel prays that the impugned orders, as well as the purported election of Respondents No.5 to 13, be declared illegal and set aside, and that directions be issued for the holding of fresh elections strictly in accordance with law under the supervision of this Court or its Nazir.

15. In Constitutional Petition No. D-2965 of 2025, the Petitioners submit that they are bona fide members and duly recognized allottees of M/s. Azimabad Cooperative Housing Society Limited, whose entitlement stands affirmed in the Audit Report dated 29.10.2013, which remains subsisting and has not been assailed. It is contended that the said Society was unlawfully superseded in the year 2014, and no elections were conducted within the statutory period as mandated under Section 14 of the Sindh Cooperative Housing Authority Ordinance, 1982. It is further averred that, in the year 2024, certain impugned orders were issued under the false pretext that elections had been conducted and that Respondents No. 5 to 13 had been elected unopposed; however, no lawful electoral process was undertaken, nor was any notice issued, nor were the members afforded an opportunity to participate. Learned counsel for the Petitioners submits that the said orders are forged and fabricated, and that the purported office bearers are neither genuine members nor lawfully elected representatives, and are unlawfully dealing with the properties of the Society, thereby creating third-party interests to the prejudice of lawful members.

16. It is further contended that the impugned orders and the alleged elections are patently illegal, without lawful authority, and in clear violation of Section 14 of the aforesaid Ordinance as well as the

Cooperative Societies Act, 2020. The entire election process is alleged to be a sham, having been conducted without issuance of notice, preparation of a valid voter list, or adherence to transparency, thereby depriving the legitimate members of their vested rights. It is also submitted that the Respondents have acted mala fide, abused the process of law, and sought to give legal cover to their unlawful acts through fabricated documentation. Consequently, it is contended that the acts of Respondents No. 5 to 13 are void ab initio, being in contravention of law and lawful authority. The Petitioners, therefore, pray that this Court be pleased to declare the impugned orders and purported elections as null and void, restrain the illegal office bearers from acting on behalf of the Society, and direct the holding of fresh elections strictly in accordance with law.

17. Upon extensive hearing of learned counsel for the respective parties, it has been submitted that, at the present stage, the scope of controversy may appropriately be confined to the election of the Society conducted by the Election Officer, namely Mr. Abid Khan, along with the resultant elected body. It has further been contended by one set of learned counsel, including the learned Assistant Advocate General, that they would be satisfied if directions are issued for the holding of fresh elections of M/s. Azimabad Cooperative Housing Society Limited, particularly in light of the fact that the election results, notified vide order dated 12.08.2024 and impugned in C.P. No. D-2965 of 2025, have been challenged on the grounds that the said order and the elections of Respondents No. 5 to 13 are illegal, ultra vires, fabricated, backdated, and issued in abuse of lawful authority, in violation of the relevant statutory provisions, thereby depriving bona fide members of their lawful rights and facilitating unlawful usurpation, forgery, and illegal transfer of plots and properties. It has further been submitted that the Petitioners have diligently and consistently availed all available legal remedies, that no alternate efficacious remedy is available to them, and that the arbitrary, mala fide, and unlawful acts of Respondents No. 2, 3, 4, 8, 12, and 13 necessitate the intervention of this Court under Article 199 of the Constitution of the Islamic Republic of Pakistan, in order to uphold the rule of law, ensure transparency, and safeguard the proprietary as well as voting rights of the members.

18. On the other hand, learned counsel for the petitioners, namely Mr. Ovais Ali Shah, Advocate, and Mr. Muhammad Umar Lakhani,

Advocate (appearing in C.P. No. D-200 of 2025), have submitted that the impugned election was conducted strictly in accordance with the applicable law and governing provisions. It is further contended that the actions allegedly carried out by Respondent No. 16 and his associates, in conjunction with the failure and inaction on the part of the official respondents, constitute unlawful interference, criminal trespass, and violations of the Constitution of the Islamic Republic of Pakistan, the Sindh Cooperative Societies Act, 2020, as well as the fundamental rights of the petitioner Society and its approximately 1,700 members. Such acts, it is argued, have seriously undermined the lawful administration, assets, and public safety of the Society. It is further asserted that the petitioners, being a duly registered cooperative society, are entitled, as of right, to the protection of their legal interests, institutional autonomy, and lawful management in accordance with the prevailing law.

19. We have heard the learned counsel appearing on behalf of the respective parties and have duly examined the material placed on record. Upon consideration of the facts and circumstances of the case, it transpires that the allegations concerning misappropriation of funds by the management of Respondent No. 6 (the Society) give rise to disputed questions of fact, which have been unequivocally denied by the contesting parties. The adjudication of such allegations would necessitate the recording and appreciation of evidence, an exercise not amenable to determination within the constitutional jurisdiction of this Court. However, in view of the consensus arrived at between learned counsel for the parties to restrict the scope of controversy to the issue relating to the election of the Society conducted in the year 2024 whereby a new Managing Committee was constituted pursuant to order dated 12.08.2024 we have proceeded to examine the matter within the said limited ambit.

20. A careful perusal of the order dated 12.08.2024 demonstrates that, in exercise of the powers vested under Section 13(2) of the Sindh Cooperative Societies Act, 2020, read in conjunction with Rule 8 of the Sindh Cooperative Societies Rules, 2020, the Registrar, Cooperative Housing Societies, Sindh, directed the convening of a Special General Body Meeting for the purpose of holding elections to the offices of President, Vice President, and Members of the Managing Committee of Azimabad Cooperative Housing Society Limited, Karachi, strictly in accordance with its duly registered by-laws. It further transpires that

Mr. Abid Khan, Inspector, Cooperative Societies, was appointed as Election Officer vide Letter No. RCS/KYC/477/2024 dated 30.05.2024. Subsequently, the said Election Officer issued an election schedule bearing No. IARCS/AEC/ACHS/146/2024 dated 14.06.2024, which was duly communicated to the members of the Society, published in a newspaper on 26.06.2024, and also circulated through postal services. Pursuant to the said schedule, only nine candidates submitted their nomination papers, whereupon a preliminary list of candidates was issued on 22.07.2024. It is further evident that 27.07.2024 was fixed as the last date for filing objections to, and withdrawal of, nomination papers; however, no objections were received, nor did any candidate withdraw. Consequently, as the number of candidates equaled the number of available posts, all such candidates were duly declared elected unopposed to their respective offices.

21. We have further perused the comments submitted by the Government officials, which reveal that, in the year 2013, a comprehensive audit of the Society was carried out by a duly authorized officer, culminating in the preparation of an Audit Report dated 12.11.2017. The said report identified multiple discrepancies, including, inter alia, instances of corruption and maladministration attributable to the then Managing Committee, comprising, among others, Syed Shah Yousuf Imam. The authorized officer observed that the Managing Committee had indulged in widespread financial irregularities and had deliberately concealed such misconduct by failing to convene elections and general body meetings for several years. The findings of the audit subsequently formed the basis for further inquiry proceedings, resulting in the issuance of notice bearing No. ARCS-VI/475/2024 dated 17.10.2014, wherein allegations of financial corruption, administrative irregularities, and other illegalities were substantiated. It was further ascertained that members of the Managing Committee had unlawfully derived pecuniary benefits for themselves, as well as for their family members and close associates.

22. Consequently, the Department considered it imperative to appoint an Administrator, under whose control and supervision the affairs of the Society continued to be managed until the year 2024. Thereafter, the Registrar, in exercise of statutory authority, issued Order No. RCS/KYC/477/2024 dated 30.05.2024, directing the convening of a General Body Meeting for the purpose of conducting

elections and reconstituting a duly elected management body in accordance with the applicable law and the Society's by-laws. Pursuant thereto, Mr. Abid Khan was appointed as Election Officer, and the electoral process was conducted accordingly. The results of the said elections were subsequently notified by the Registrar vide Order No. RCS/KYC/803/2024 dated 12.08.2024. ***It is further acknowledged by the Registrar that a subsequent order dated 11.12.2024, directing the holding of fresh elections, was issued inadvertently. The said order was suspended by the Cooperative Court in Suit No. 2895 of 2024 vide order dated 13.02.2024. Furthermore, this Court, vide order dated 21.01.2025 passed in C.P. No. D-200 of 2025, restrained the respondents from causing any interference in the smooth and lawful functioning of the Society.***

23. In light of the unequivocal position adopted by the Department that the elections in question were conducted strictly in accordance with the applicable law, rules, and prescribed procedure, and there being no objection, challenge, or complaint raised at any relevant stage with regard to the nomination process, this Court finds no sufficient ground to entertain or adjudicate upon allegations to the contrary. Such allegations, being disputed questions of fact, necessarily require cogent evidence and proper proof, which is presently lacking on record. Prima facie, on a careful examination of the available record, coupled with the admissions and statements made by the concerned officials, it appears that the entire electoral process was carried out in a lawful, transparent, and procedurally compliant manner, and that the returned candidates were validly declared elected unopposed in accordance with law.

24. In view of the foregoing, and taking into account that the elections were duly conducted and notified on 12.08.2024, coupled with the fact that the concerned Department has affirmed the legality of the electoral process, it is held that no illegality or procedural irregularity can be attributed to the Election Officer in the conduct of the said elections. Insofar as the remaining controversies pertaining to the internal affairs of the Society are concerned, the same entail disputed questions of fact necessitating the recording of evidence and, as such, fall outside the ambit of constitutional jurisdiction. Consequently, all the petitions, along with any pending applications, stand disposed of, with the clarification that the parties shall remain

at liberty to avail appropriate remedies before a court of competent civil jurisdiction or the forum established under the Sindh Cooperative Societies Act, 2020.

25. Before concluding, it is evident from the record that this Court, vide order dated 21.01.2025, had taken cognizance of the petitioner's assertion that elections of the petitioner-society had already been conducted under the supervision of a duly authorized Election Officer and were thereafter duly notified by the Registrar, Cooperative Societies, Sindh. It was further recorded that a subsequent order dated 11.12.2024, issued by the incumbent Registrar, Cooperative Societies, directing the holding of fresh elections, had been impugned before the competent forum, whereupon operation of the said order was suspended. Consequently, at the time of issuance of notices, this Court directed the respondents not to interfere in the smooth functioning and affairs of the petitioner-society. Thereafter, vide order dated 20.10.2025 passed in connected petitions, this Court, upon preliminary hearing, observed that the elections purportedly conducted pursuant to orders dated 30.05.2024 and 12.08.2024 appeared to be contentious and disputed; accordingly, the Nazir of this Court was directed to conduct fresh elections of the Azimabad Cooperative Housing Society within a stipulated timeframe, subject to verification of membership, while maintaining status quo with regard to the assets of the society.

26. Subsequently, an application under Order XII Rule 2 of the Code of Civil Procedure was instituted, inter alia, on the ground that the earlier order dated 21.01.2025 had not been duly brought to the attention of this Court at the time of passing of the subsequent order dated 20.10.2025, thereby resulting in the issuance of conflicting directions. It has further been contended that the order dated 20.10.2025 was procured without full and proper disclosure of material facts, causing grave prejudice to the elected management of the society, whose tenure is stated to be subsisting. Accordingly, this Court, vide order dated 11.02.2026, issued notices to the parties and directed the maintenance of status quo as existing on that date. It was further directed that the connected petition, i.e., C.P. No. D-200 of 2025, be fixed along with the present matters.

27. At this juncture, it is deemed appropriate to observe that, prima facie, an apparent conflict exists between the orders dated 21.01.2025 and 20.10.2025, particularly with regard to the conduct of elections

and the continuity of the existing management of the society. However, this Court refrains from recording any definitive findings at this stage concerning the circumstances under which the aforementioned orders were obtained, as the matter requires adjudication after affording an opportunity of hearing to all concerned parties, examination of the complete record, and recording of evidence. Nevertheless, it is hereby directed that, in future, the Incharge, Writ Branch of this Court shall ensure that where matters are ordered to be tagged and fixed together, all such connected matters are listed and heard simultaneously, so as to obviate the possibility of conflicting orders.

Resultantly, all petitions stand *disposed of* in the above terms.

JUDGE

JUDGE