

ORDER SHEET  
IN THE HIGH COURT OF SINDH, KARACHI  
C.P. No.D-01 of 2026  
(Azharuddin Noonari v Province of Sindh & others)

Date	Order with signature of Judge
Mr. Justice Adnan-ul-Karim Memon Mr. Justice Abdul Mobeen Lakho	

**Date of hearing and order: 19.01.2026**

Mr. Sundar Khan advocate for the petitioner.  
Mr. Ghulam Shabbir advocate for the respondent

**Adnan-ul-Karim Memon, J.** – The petitioner has filed the captioned Constitutional Petition under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, with the following prayer: -

- (A) *To declare that the act of respondent No.3 regarding issuance of explanations to the petitioner is illegal, unconstitutional, null and void in the eyes of law and violations of memorandum/constitution of Sukkur Arts Council and beyond his authority.*
- (B) *To declare that the act of the respondent Nos.3 and 4 regarding termination of basic membership of the petitioner is in violation of Article 10(A) of the Constitution of Pakistan 1973 and against the natural justice.*
- (C) *To direct the respondents No. 3 and 04 to restore the membership of petitioner immediately and add the name of petitioner in voters list.*
- (D) *To direct the respondent No.2 to add the name of the petitioner in voter list of Sukkur Arts Council, Sukkur in the forthcoming elections 2026-2027.*
- (E) *To suspend the operations of impugned letter dated 21.11.2025 and 24.12.2025 it has been issued by the respondents No. 3 and 4 with malafide intention and ulterior motives as well as without any legal and lawful justification.*
- (F) *To restrain the respondents No. 3 and 4 from implementing the said terminating letter dated, 21.11.2025 and 24.12.2025 till the final disposal of this constitution petition.*
- (G) *That prior to this the petitioner has filed a constitution petition No. D-2087/2025, same was not pressed on 16.12.2025 and seeking permission for filing a fresh.*

2. The petitioner claims to be a founding and lawful member as well as Treasurer of the Sukkur Arts Council since its inception. Learned counsel for the petitioner asserts that the Council is a regular body, fully funded and regulated by the Government of Sindh through the Culture, Tourism, Antiquities and Archives Department. Respondent No.2 is stated to be the Ex-officio Chairman of the Council. The petitioner's counsel further states that the petitioner is an Assistant Professor of English, a writer, novelist, and translator, with three published books, and an alumnus of the International Writing Program (USA). Learned counsel for the petitioner contends that respondents Nos. 3 and 4, in a mala fide manner and without following due process or the Council's Constitution, unlawfully terminated the petitioner's membership, thereby violating his fundamental rights to participate in the election. It is further submitted that respondent No.3 lacked

authority to issue explanations or take disciplinary action, as Article 9 of the Council's Constitution mandates issuance of notice prior to suspension or termination, which factum is lacking in the present case. In support, reliance has been placed upon **PLD 2009 SC 507** (*Human Rights Commission of Pakistan v. Government of Pakistan*) and various unreported orders of this Court. Learned counsel lastly prayed to allow the instant petition.

3. Learned counsel for the respondents submitted that the instant petition is not maintainable under Article 199 of the Constitution. He submitted that the petitioner's grievance relates purely to internal administrative and managerial decisions of a statutory body, i.e., the Sukkur Arts Council, regarding membership and procedural compliance. Such matters fall within the domain of the Council and its governing regulations, and are not amenable to judicial intervention under constitutional jurisdiction unless there is a clear violation of statutory law or fundamental rights in a manner that shocks the conscience of the Court, which factum is missing in the present case. The petitioner's claims pertain to internal disputes regarding membership and alleged administrative irregularities, which are essentially civil or contractual in nature, and do not amount to a case of enforcement of fundamental rights under Article 199 of the Constitution. He submitted that the Council is an autonomous private body, has its by-laws and procedures governing membership, including the issuance of notices and disciplinary actions. He added that Respondents acted in accordance with the by-laws and internal regulations of the Council. The alleged "mala fide" action by respondents Nos. 3 and 4 is unsubstantiated, as all procedural requirements were either followed or were within the discretionary authority of the Council's Executive Committee. Any minor procedural lapse, if alleged, does not automatically render the act unlawful or unconstitutional. He submitted that the petitioner's contention that his fundamental rights were violated is misconceived. He added that termination of membership in a private society or body does not automatically constitute a violation of fundamental rights under Articles 4, 9, or 14 of the Constitution. The petitioner remained free to approach internal grievance redressal mechanisms or civil courts for enforcement of any contractual or membership-related rights. He emphasized that Article 199 of the Constitution cannot be invoked as a substitute for routine administrative remedies provided under law. He argued that the petitioner's reliance on **PLD 2009 SC 507** (supra) and unreported orders of this Court is misplaced, as those cases involved either egregious violations of fundamental rights by the State or statutory authorities. The present matter concerns internal governance of a statutory council, not arbitrary state action. Judicial intervention in such internal matters is limited and exceptional. In view of the above submissions, he submitted that the instant petition is not maintainable under Article 199 of the Constitution. The petitioner's grievance is primarily administrative, relating to membership disputes within the Council, and does not involve a violation of a constitutional or legal right that would invoke writ jurisdiction. Therefore, the petition is liable to be dismissed.

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

5. The petition concerns the termination of the petitioner's membership in the Sukkur Arts Council, an autonomous body with its own bylaws, rules, and internal governance mechanisms. While the petitioner claims mala fide action and violation of fundamental rights, the record indicates that the grievance primarily arises from internal administrative and managerial decisions of the Council regarding membership.

6. Under Article 199 of the Constitution, judicial intervention is limited to cases where there is a clear violation of statutory law or fundamental rights in a manner that shocks the conscience of the Court. In this case, the alleged irregularities relate to procedural matters within the Council, such as notices and disciplinary actions, which fall within the Council's internal jurisdiction. There is no substantive evidence that respondents acted beyond their authority or that the petitioner's fundamental rights under Articles 4, 9, or 14 of the Constitution were infringed. Minor procedural lapses, if any, do not automatically convert an administrative decision into an unconstitutional act as portrayed by the petitioner. The remedies for internal disputes regarding membership or contractual rights exist within the Council's mechanisms or civil courts and cannot be substituted by constitutional writs. Therefore, the petition is not maintainable under Article 199 of the Constitution, as it relates to internal governance of a statutory body rather than a violation of constitutional or legal rights. In this regard, reliance is placed in the cases of Mirza Muhamad Nazakat Baig v. Federation of Pakistan through Secretary Ministry of Law and Justice, Islamabad and another (2020 SCMR 631), and Syed Iqbal Hussain Shah Gillani v. Pakistan Bar Council through Secretary, Supreme Court Bar Building, Islamabad and others (2021 SCMR 425), So far as the reliance placed on the decision of this Court, which cannot be made precedent in presence of the decision of the Supreme Court on the subject issue.

7. Primarily, this Court cannot intervene in routine administrative or membership disputes of a private council unless there is clear evidence of fundamental rights violations, which facts are missing in the present case. Internal disputes must be resolved through the bodies by laws, regulations, or civil remedies, not writ jurisdiction. Accordingly, the petition along with pending application(s) is dismissed, leaving the petitioner to avail the remedy as per law.

JUDGE

JUDGE