

IN THE HIGH COURT OF SINDH AT KARACHI

Present:
Muhammad Junaid Ghaffar, J.
Agha Faisal, J.

CP D 1919 of 2018 : Cotton Export Corporation Employees
Cooperative Housing Society Limited vs.
Province of Sindh & Another

For the Petitioner : Mr. Khalid Imran
Advocate

For the Respondents : Mr. Jawad Dero,
Additional Advocate General Sindh

Date of hearing : 03.03.2021

Date of announcement : 03.03.2021

JUDGMENT

Agha Faisal, J. The present petition has been filed with the following prayer clause:

“In view of the above it is respectfully prayed that this Hon’ble Court may be pleased to issue appropriate writ of mandamus against the respondents and to hold that the action of the respondent NO.3 of demanding the Form VF-II From the allottees of the society for execution of sale deed or for any other transaction document being transaction in respect of the piece of land and further it is hold that the petitioners’ society is entitled for collecting/charging the mutation/ground rent and the demand by the respondents for collecting the mutation/ground rent/from the allottees/members of the petitioner’s society are illegal, unlawful and without lawful authority and further the certificate/NOC issued by the petitioners’ society is sufficient for the purpose of satisfaction of the Respondent No.3 for registering of viz sale deed/mutation/general power of attorneys documents...”

2. It was observed at the very onset that the prayer clause in itself is not happily worded and *inter alia* appears to have several prayers amalgamated into a solitary one. We shall endeavour to identify and address each constituent individually.

3. The first constituent seeks to fetter the power of the registration authority to seek the parent documentation in respect of subsequent conveyance transactions. Such a prayer cannot be granted as it is entirely unmerited to restrain an authority from undertaking its duty.

4. The second constituent seeks a declaration in favour of the petitioner recognizing its purported right to collect municipal dues. No such right has been made out before us; hence, no declaration in such regard is merited.

5. The third constituent requires this Court to direct the registration authority to register conveyances solely on the basis of certification issued by the petitioner. Such a prayer is absurd in the very least as the authority is mandated to satisfy itself with the compliance of all legal prerequisites prior to recognizing / permitting a conveyance.

6. It is also observed that the petitioner is a society, yet seeks to agitate prospective, demonstrably un-accrued, grievances of its members. In such regard it is manifest that the petitioner is not an aggrieved person; hence, disentitled to invoke the writ jurisdiction of this Court.

7. In view of the reasoning and rationale herein contained, we are of the considered view that the present petition is misconceived and even otherwise demonstrably devoid of merit, hence, this petition, along with pending application/s, was dismissed vide short order announced in Court earlier today. These are the reasons for our short order.

JUDGE

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