

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

C.P. No.D-7812 of 2017

Muhammad Saleem
Versus
Province of Sindh & others

Date	Order with signature of Judge
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1. For orders on CMA No.13911/19
2. For orders as to maintainability.

Dated: 30.09.2020

Petitioner present in person.
Mr. Abdul Jaleel Zubedi, Assistant Advocate General.
Mr. Najmuddin for respondents No.3 and 6.

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Petitioner has filed a statement to the effect that the petition may be disposed of at the earliest. The same is taken on record.

In these proceedings pending since last three years the subject matter is perhaps cancellation of order of allotment in respect of Plot No.D-662 measuring 150 sq. yards situated in Makli Cooperative Housing Society Thatta by the Society without notice to the petitioner and consequently this petition was filed directly without exhausting the remedy available to petitioner under the law. It is case of the petitioner that it was a leased plot and should not have been cancelled without exhausting the remedy before the Civil Court.

None of the counsels representing contesting respondents including the Secretary/Chairman of the Society and respondent No.4 to whom subject plot was transferred and so also the Registrar Cooperative Societies are in attendance. The counsel for ex-chairman of the Society Mr. Karam Ali Uqaili who is arrayed as respondent No.3 is present but he has not shown from the record if notices were served upon the

petitioner. He has not been able to satisfy the Court that a leased plot could be cancelled without seeking redressal from the concerned Civil Court.

We however, in the circumstances, deem it appropriate to refer this petition to the Registrar Cooperative Housing Society treating it as a complaint/appeal before Registrar Cooperative Societies who shall issue notices to all concerned including respondents No.2 and 4 and decide the controversy between them such as (1) cancellation of the leased plot without notice and (2) whether such plot could be cancelled without exhausting remedy of Civil Court. The Registrar shall hear the parties and give his decision with reasons and submit compliance report within eight weeks through MIT-II of this Court.

Petition stands disposed of in the above terms along with pending applications.

Judge

Judge