

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
C.P. No.D-4564 of 2023

Date

Order with signature of Judge

FRESH CASE:

1. For order on CMA No.21095/2023 (Exemption).
2. For order on CMA No.21096/2023 (Exemption).
3. For order on CMA No.21097/2023 (Stay).
4. For hearing of main case.

Dated; 2nd October 2023

Mr. Mohamed Vawda, Advocate for Petitioner.

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1. Urgency granted.

2. Exemption granted subject to all just exceptions.

3&4. Through instant Constitutional Petition, the petitioner, who was Administrator of Bangalore Cooperative Housing Society vide Notification dated 26.05.2021, has expressed his grievance against illegal letters dated 19.05.2023 and 18.08.2023 respectively (available at pages 131 and 133 of instant petition) issued to the petitioner by the Assistant Registrar, Cooperative Societies-I, Karachi, wherein, it has been alleged that the petitioner has failed to discharge his duties and responsibilities in respect of the managing affairs of the aforesaid society, whereas, according to learned counsel for the petitioner, earlier a show-cause notice was issued on 17.11.2022, which was duly responded in detail and, thereafter, it was withdrawn. However, according to learned counsel for the petitioner, without issuing proper show-cause notice respondents have issued the aforesaid letters without any lawful excuse, whereas, the allegations, as detained in the aforesaid letters against the petitioner, besides being false and frivolous, are otherwise motivated and beyond the mandate of the petitioner. Per learned counsel, there is apprehension that in the garb

of the aforesaid letters, adverse action may be taken against the petitioner, including his removal on false ground, which will operate as stigma. Per learned counsel, there have been no allegations against the petitioner with regard to misconduct, therefore, requests that respondents may be restrained from taking any adverse action against the petitioner pursuant to the aforesaid letters. According to learned counsel, under the similar circumstances, this Court has been pleased to grant protection to another Administrator of Malik Ittehad Cooperative Housing Society vide order dated 13.09.2023 in C.P. No.D-4406 of 2023, copy of which has been annexed as Annexure P/7 at pages 199 to 207 of instant petition.

Let pre-admission notice may be issued to the respondents as well as to the Advocate-General, Sindh, to be served through first three modes, for 11.10.2023, when comments/reply, if any, shall be filed with advance copy to the learned counsel for petitioner, whereas, instant petition may be taken up alongwith aforesaid petition and other connected petitions. In the meanwhile, petitioner may submit response to the aforesaid letters, however, till next date, no adverse final order may be passed against the petitioner.

J U D G E

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Farhan/PS
