

ORDER SHEET  
THE HIGH COURT OF SINDH AT KARACHI

C.P No.D-5069 of 2023

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Date: Order with signature(s) of the Judge(s)  
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**Before: Salahuddin Panhwar &  
Khadim Hussain Soomro, JJ**

For Orders as to Maintainability of Petition.

22<sup>nd</sup> May, 2024.

Mr. Bahri Kamal advocate for the Petitioner.  
Mr. Muhammad Daud Narejo advocate for Respondent No.12.  
Mr. Rao Sarfaraz advocate for SBCA.  
Mr. Khurram Ghayas advocate for KDA a/w Jamil Ahmed Baloch, Addl.  
Director (E&E), KDA.  
Mr. Ghulam Shabbir Shaikh advocate for BoR.  
Mr. M. M. Aqil Awan advocate for Intervener.  
Ms. Fouzia Khan advocate for Sindh Master Plan Authority.  
Mr. Junaid Alam advocate for KMC.  
Ms. Noushaba Haque Solangi, AAG.  
Mr. Baqaullah Unar, Senior Member, BoR.  
Mr. Qamar Raza Baloch, Secretary, Land Utilization.  
Mr. Aziz Chandio, S.O., Litigation, Land Utilization.  
Syed Jawad Muzafar, Deputy Commissioner, Korangi.  
Balchand, Supervising Tapedar.  
Mushtaque Ahmed Abbasi, SP AIGP Legal-II, CPO Sindh Karachi.

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**SALAHUDDIN PANHWAR, J.** Learned counsel for Respondent No.12 files statement alongwith certain documents, same are taken on record.

2. By order dated 10-05-2024, this Court mandated the Member of the Board of Revenue (BoR) and the Master Plan Authority to submit the original records pertaining to the land allotment, the policy underpinning such allocation, and the conversion of land use from a Cooperative Farming Society to an industrial utilization. Consequently, the Senior Member of the BoR, the Director of the Master Plan Authority, the Secretary of Land Utilization, and the Deputy Commissioner (DC) of Korangi were summoned to submit the mother entry and subsequent entries of the land in question.

3. During the proceedings, it was revealed that the land, originally allotted to a Cooperative Farming Society, had been duly entered in

the Record of Rights; however, it was subsequently transferred by virtue of a gift deed. It is legally inapt for land granted to a Cooperative Farming Society, educational institution, or any other welfare organization to be gifted or transferred to an individual. It is essential to underscore that land allotments to any cooperative society must be entered in the Record of Rights exclusively for the society and cannot be transferred to any individual office-bearer's personal name.

4. At this juncture, the Senior Member of the BoR in attendance asserted his intention to investigate this matter, solicit reports from all Deputy Commissioners, and issue directives ensuring that the complete Record of Rights and mutation entries concerning the society are verified and corrected if not properly recorded in the society's name. Furthermore, he affirmed his commitment to meticulously review the judgment dated November 14, 2023, rendered by this Court in the case of M/s. Meerut Cooperative Housing Society [MA No.69/2022] wherein the primary intent and purpose of the legislation was meticulously examined, and undertakes to establish guidelines governing the conditions for land grants to housing societies.

5. The Sindh Cooperative Societies Act, 2020 was enacted with the primary intention of fostering a culture of thrift, self-help, and mutual aid among agriculturists, small farmers, laborers, and individuals with modest means who share similar economic needs. The overarching goal of the legislation is to improve the quality of life, enhance business practices, and introduce superior methods of production for these groups. This is achieved by facilitating the formation and operation of cooperative societies, which are designed to serve as a means for collective economic empowerment and social advancement.

6. It is crucial to recognize that the Sindh Cooperative Societies Act, 2020, which is principally aimed at facilitating trade activities for the economically disadvantaged, and the Sindh Cooperative Housing Authority Ordinance, 1982, as fundamental elements of the primary legislation, dictate that registration of a housing society is contingent upon its adherence to the parameters of a Cooperative Housing Society. The definition delineated in Section 2(g) of the Sindh Cooperative Housing Authority Ordinance, 1982 is as follows:

- **“Society”** refers to a society, whether registered under the **Co-operative Societies Act, 1925**, or not.
- The primary purpose of such a society is to engage in the **business of co-operative housing**.
- Here are the specific activities that fall within the scope of this definition:
  - **Acquiring**: Procuring land or property for housing purposes.
  - **Buying**: Purchasing land or property.
  - **Allotting**: Assigning specific plots or units to members or beneficiaries.
  - **Selling**: Transferring ownership of land or property.
  - **Hiring**: Leasing or renting out land or property.
  - **Letting**: Offering land or property for rent.
  - **Developing**: Enhancing the value of land by constructing buildings, roads, and providing other necessary amenities.

In summary, a “society” under this Ordinance, 1982 focuses on cooperative housing endeavors, including land acquisition, development, and management for the benefit of its members. The cooperative nature ensures collective participation and shared benefits within the housing community.

7. **In accordance with these guiding principles**, the **Senior Member of the Board of Revenue (BoR)**, in close consultation with the **Secretary** and the **Registrar of Cooperative Societies**, shall meticulously **formulate the necessary policy**. Furthermore, the Senior Member of the BoR shall **scrutinize the disputed land allotment**, as documented in the **Record of Rights**, along with the subsequent cancellation and the alleged fresh allotment by worthy **Chief Minister of Sindh**—as asserted by the Intervener. Additionally, the claims made by officials from the **Karachi Development Authority (KDA)** regarding the land’s designation for parks shall be thoroughly examined. This **investigative process** will be diligently conducted within a **two-month timeframe**, ensuring that all **relevant parties** are granted an opportunity to be heard, and that the **pertinent records** are exhaustively

reviewed. Upon the conclusion of this investigation, a **comprehensive compliance report** shall be submitted to this Court.

8. To come up on **08.08.2024**. Attendance of Secretary, Land Utilization, Senior Member, Board of Revenue is dispensed with till further order.

JUDGE

JUDGE

M.Zeeshan