



2. The present Petitions concern the *Telephone Employees Cooperative House Building Society Limited* (“**Petitioner Society**”), a housing society registered on 23.12.1958, which has remained under supersession since 20.10.2020 (as per the Notification at Court File Pg. 263).
3. Ever since the Petitioner Society’s supersession, at least four (4) Administrator(s) / Incharge have been appointed one after another. These are:
  - a) Abid Khan (appointed by Notification dated 20.10.2020);
  - b) Mansoor Habib (appointed by Notification dated 27.4.2021);
  - c) Azam Khan (appointed by Notification dated 23.2.2024, who is present in Court today); and
  - d) Shahnawaz Lashari (appointed by Notification dated 3.10.2024, who is also present in Court today).
4. The Petition’s record also demonstrates a typical pattern – that an election conducted by one of the aforesaid Administrator / Incharge is challenged by another as fraudulent, thereby perpetuating their grip on the Petitioner Society and prolonging the miseries of the members.
5. By an order dated 12.3.2024, this Court expressly restrained two persons, viz. Abid Khan and Azam Khan, from acting as Administrators / Incharge of the Petitioner Society in any manner.
6. Learned Counsel for the Petitioners assert that in order to circumvent the Court’s aforesaid restraining order, the Secretary to Government of Sindh, who also serves as the Chairman, Sindh Cooperative Housing Authority (Respondent No.1 & 3) issued a Notification dated 3.10.2024 (attached as *Annex “C”* with the aforesaid Counter-Affidavit filed today). Through this Notification, one Shahnawaz Lashari has been appointed as the latest Administrator / Incharge to run the affairs of the Petitioner Society, while simultaneously relieving the previous Administrator / Incharge Azam Khan (mentioned as Azam Kaloo in the Notification of 3.10.2024) from his duties.
7. The said Shahnawaz Lashari, latest Administrator / Incharge, is present in Court today. In response to the Court’s query, he disclosed that he is a private individual, is not employed in any Government department and nor has any knowledge or experience of cooperative societies matters. He claims to have completed his Intermediate in Science from a high school in Larkana. However, when questioned how a high school could confer an intermediate qualification, he remained quiet. He was then given a copy of his own appointment Notification and asked to read it aloud in Court, but was unable to do so. When further quizzed about his subjects in the intermediate examination, he professed he did not remember.

8. The above instance is not the first of its kind or an isolated incident. Recently, in another Petition (viz. CP No.D-2053/2024), an individual was appointed as Administrator of the superseded society who ludicrously claimed to hold a degree of Bachelor of Arts (BA) in Mathematics from the University of Khairpur, Sindh. In yet another case (viz. CP No.D-1869/2024), an officer of BPS-18 was transferred and posted as Registrar, Cooperative Societies Sindh despite the post being designated as BPS-19.
9. So also, we have come across cases (as in CP No.D-5523/2024) where society members, after incurring substantial expenses on organizing and publicizing elections, have faced abrupt, last-minute postponements or cancellations either by the Registrar of Cooperative Societies, Sindh or the election inspector himself. Additionally, there have been instances, where directives have been issued for early elections well before the completion of the Society's stipulated tenure.
10. There have also been cases brought before this Court (as in CP No.D-3860/2014 and CP No.D-1452/2016) where a father and son pair were almost simultaneously rewarded and appointed as Administrators of two different societies (vide Notifications dated 16.10.2014 and 23.2.2015 respectively). This occurred despite the findings of the Assistant Registrar's Inquiry Report directly implicating the father and holding him responsible for, the mismanagement and financial irregularities within the superseded society where the father previously served as treasurer (and of which superseded society the son was later made an Administrator).
11. The state of affairs in the Province of Sindh with regard to cooperative housing societies are both appalling and alarming. Society after society has been hungrily and recklessly superseded, with personal favourites being appointed as administrators / Incharge over them, who, except for being obedient and subservient to their appointing authority, have absolutely no other qualifications or expertise to manage the complex affairs of such entities. The appointment of private individuals with little or no education as Administrators / Incharge is astonishing. This open and utter disdain for the rights of cooperative society members – whose life savings are tied up in these societies through plots of land purchased in the hope of a better quality of life complete with amenities and allied facilities – demonstrates a non-seriousness and complete lack of respect for both institutions and the rule of law. The apparent contempt for basic considerations such as education, competence, and integrity in these appointments leaves this Court deeply concerned and profoundly troubled.
12. It may be observed that in every cooperative society, the interests of its members involve property rights worth millions (and in cases billions) of rupees linked to their allotted / transferred / purchased plots. Proper

management of such societies requires the oversight of a competent body elected by the members themselves. However, in this particular matter, we note that the Cooperative Department, Government of Sindh, has successively appointed no fewer than four Administrators. These appointments have yielded no tangible benefits either for the members or for the Society itself. In fact, the last two appointees (viz. Azam Khan and Shahnawaz Lashari) were openly bickering today in Court over who held the legitimate authority as the Administrator / Incharge, each contesting the validity of the other's appointment.

13. The most recent appointee (Shahnawaz Lashari), as mentioned in paragraph 7 above, nonsensically claims to have completed his Intermediate in Science from a high school in Larkana, which is an impossibility and, therefore, unbelievable. Yet, he was unable to even read aloud the Notification by which he was appointed as Administrator / Incharge. This glaring deficiency not only speaks volumes about his lack of qualifications but also suggests a potentially colourable exercise of authority by the Cooperative Department in making such an appointment.
14. The arbitrary, chaotic and unsystematic nature of these appointments (as Administrators / Incharge) reveals a blatant disregard for the rights and interests of the society's members, along with a clear lack of seriousness and commitment to addressing their concerns. The sole focus of these unqualified appointees appears to be the swift plundering of the funds and assets of the superseded societies with the aim to milk them dry, with no genuine intent to resolve the pressing issues faced by their members.
15. Given the above, we, therefore, issue the following directions:

In respect of Petitioner Society:

- (i) The Notification dated 3.10.2024 is hereby suspended.
- (ii) For the time being, Nazir of this Court is appointed as Administrator of the Petitioner Society.
- (iii) The Registrar of Cooperative Societies, Sindh, is directed to retrieve all original records from the previous four Administrators / Incharge and to deliver these, along with a detailed inventory, to the Nazir **within fifteen (15) days** from the date of receipt of this order.
- (iv) The Nazir is authorized to appoint as many guards he deems necessary to protect the Petitioner Society's land. Additionally, he shall take all necessary measures to halt any illegal construction on amenity or commercial plots of the Petitioner Society and prevent any transfer of such plots to any person or entity.

- (v) With the assistance of four (4) senior members of the Society, the Nazir shall scrutinize the Petitioner Society's records. Should any instances of double allotment or unauthorized allotment of amenity plots or commercial plots be discovered, he shall promptly lodge an FIR against the responsible Administrator / Incharge of the relevant period in accordance with the law.
- (vi) The concerned Sub-Registrar of the area shall not register any document pertaining to amenity or commercial plots of the Petitioner Society.
- (vii) On or before the next date of hearing, the Registrar of Cooperative Societies, Sindh, is directed to submit a compliance report regarding the handover of the Petitioner Society's original records to the Nazir.

In respect of all Cooperative Societies in Sindh:

- (viii) The Secretary to the Government of Sindh, Cooperative Department, as well as the Registrar of Cooperative Societies, Sindh, are hereby restrained from appointing any private individual as an Administrator / Incharge, and/or appointing any person who lacks appropriate qualifications or expertise **for any cooperative society in Sindh.**
- (ix) The Secretary to the Government of Sindh, Cooperative Department, and the Registrar of Cooperative Societies, Sindh, are directed to submit **within twenty (20) days** from today, a comprehensive report in tabular form highlighting the following details:
  - a) Total number of cooperative societies established across Sindh along with their date of incorporation;
  - b) Total number of societies currently under supersession, along with the respective dates of supersession;
  - c) Criteria and selection process used for appointing Administrators / Incharge of a superseded society;
  - d) Total number of Administrators / Incharge appointed for each superseded cooperative society to date, along with their educational qualifications and names of educational institutions attended by them;
  - e) Financial Audit along with Audit Report carried out during the tenure of Administrators / Incharge of superseded societies;
  - f) Last government audit carried out of the superseded societies;

- g) Inventories of assets (including plots, buildings, and funds) of each superseded society, along with a status update on any disputed assets;
  - h) Records of any transactions or transfers involving society's property during the period of supersession;
  - i) Instances where elections were scheduled but subsequently postponed or cancelled for each superseded society, including dates;
  - j) List of ongoing litigations in courts pertaining to these superseded societies;
  - k) List of litigations/cases filed by Administrators / Incharge contesting their removal / transfer from their positions;
  - l) List of superseded societies for which original records have either not been returned by the Administrators / Incharge or are claimed as lost, misplaced, or stolen etc by them.
- (x) A copy of this order shall be communicated by the office to the concerned Sub-Registrar of the area, within whose jurisdiction the land of the Petitioner Society falls.
- (xi) The office shall also transmit a copy of this order to the Chief Secretary, Government of Sindh and to the learned Advocate General, Sindh who shall ensure compliance of the aforesaid directives of this Court.

The instant CMA No.23611/2024 stands disposed of accordingly.

**Sr. No.1 – CMA No.10149 / 2024 (application under Order 1 rule 10 CPC) in CP No. D-6609 of 2020:**

Sr. No.1. Notice.

Office shall place a copy of this order in connected case(s). Relist on **9.12.2024**.

**JUDGE**

**JUDGE**

FAIZAN\*