

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
Constitutional Petition No. D-1557 of 2025
(M/s Inchauli Cooperative Housing Society & others versus Province of Sindh & others)

Constitutional Petition No. D-4817 of 2025
(Tanveer Islam & others versus Province of Sindh & others)

Constitutional Petition No. D-5664 of 2025
(M/s Inchauli Cooperative Housing Society & others versus Province of Sindh & others)

Date	Order with signature of Judge
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Mr. Justice Adnan-ul-Karim Memon
Mr. Justice Zulfiqar Ali Sangi

Date of hearing and order: 09.2.2026

Mr. Faiz Durrani advocate for the petitioners in CP Nos. D-1557 of 2025 and 5664 of 2025

Mr. Abdul Jalil Zubedi, Assistant AG

Mr. Muhammad Waseem advocate holds brief for Mr. Muhammad Awais Shaikh advocate for the petitioners in CP No. D-4817/2025

Mr. Farooq Iftikhar Goraho advocate for the interveners

O R D E R.

Adnan-ul-Karim Memon, J. – Petitioners M/s Inchauli Cooperative Housing Society & others have filed Constitutional Petitions No. D-1557 of 2025 under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, with the following prayer:-

- A. *Declare that the actions of the respondents of illegal transfer of properties i.e. residential, commercial, amenity plots, flat sites, parks, hospital, Mosque, School, Library, Public Building (Community Hall), Dispensary, so also the Society's Bank Account and issuing NOC's and not conducting elections as per law are illegal, unlawful and void;*
- B. *Direct the respondents to conduct fresh and fair 1/3 elections for the governing body along with presidential post, of the Inchauli Cooperative Housing Society (ICHS) within two months from the date of the order, under the supervision of the Nazir of this Court, in full compliance with the law and the governing rules of the Society;*
- C. *Issue injunctions restraining the respondents from creating any third-party interest or dealing with in any manner in any of the land parcels of the Society or of the members or taking any other coercive action which may jeopardize the interest of the Society and the petitioners.*
- D. *Direct that if any individual is appointed to manage the affairs of the Society in the interim, such an individual or committee be restricted to using the Society's bank account solely for the purpose of paying utility bills and salaries of security personnel, until a duly elected committee is in place.*

2. Petitioner M/s Inchauli Cooperative Housing Society has also filed Constitutional Petitions No. D-5664 of 2025 under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, with the following prayer:-

- A. *Declare that the impugned Notification NO.SO(SA)II(22)/2003 dated 22.9.2025 of the respondent No.1 is unlawful, the direction to hold entire body elections in violation of the bye-laws of the society is illegal, unlawful, and void.*
- B. *To suspend and strike down the Notification NO.SO(SA)II(22)/2003 dated 22.9.2025 to extent of conducting the election of the Entire Body of the Society being unlawful and in strict violation of the registered bye-laws of the society and further direct the*

respondent No.2 to hold elections as per chapter X, Rule 47 (a & b) of the registered Bye-laws of the petitioner Society i.e. the 1/3rd governing body of the society as well as for the position of the President under the supervision of the Nazir of this Court, in full compliance with the law and the governing rules of the Society;

- C. *To suspend and strike down the impugned Order No.RCS/KYC/301/2025 dated 03.10.2025 issued by the respondent No.2 i.e. Registrar Cooperative Societies, Sindh to the extent to hold elections of entire Members of the Managing Committee of M/s Inchauli Cooperative Housing Society, being unlawful and repugnant to the bye-laws of the petitioner Society;*
- D. *Direct the former In-charge Committee/ Administrator Mr. Muhammad Younus Baloch and Ms. Saima Abad to handover under their respective affidavit the original missing record, and details of receipts and payments of funds along with voucher and record of allotment/lease/transfer of all types of plots during their stay/tenure in office of the petitioner Society and a complete statement of account including the return of funds taken by them from the members but not deposited into the Bank Account of the Petitioner society;*
- E. *Issue an injunction restraining the Respondents from conducting entire body elections in violation of the bye-laws of the society or taking any other coercive action which may jeopardize the interest of the petitioner Society*

3. Petitioners Tanveer Islam & others have also filed Constitutional Petitions No. D-4817 of 2025 under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, with the following prayer:-

- a) *Declare the impugned Notification No.SO (SA) II (22)/2003(Pt-I) dated 22.9.2025 as patently illegal, unlawful, null and void, and the same be set aside.*
- b) *Declare the impugned Notification, lacking reasoning and being non-speaking, is contrary to Section 24-A of the General Clauses Act.*
- c) *Suspend the operation of the impugned Notification till the final conclusion of the proceedings.*

4. At the outset, we confronted the learned counsel for the petitioners that this Court, vide order dated 22-01-2026, passed in CP No.6317 of 2025, has already disposed of the petition of the Society, noting that the Nazir had already been appointed as In-charge to supervise the elections vide order dated 17-12-2020. However, without touching the merits, this Court directed that the Society's elections be conducted by the learned trial court within sixty (60) days. In the interim, pursuant to the order dated 17-12-2025 of the learned Vth Senior Civil Judge, Karachi-West/Special Court for Cooperative Societies in Society Suit No. 7153 of 2025, and the letter dated 29-01-2026 by Mr. Muhammad Hammad, In-charge Nazir, Mr. Nisar Ahmed Shaikh, Sub-Inspector Cooperative-IV, Karachi, was nominated to assist the In-charge Nazir in the conduct of the election proceedings until their completion. Therefore, these petitions have become infructuous.

5. Mr. Faiz Durrani, learned counsel for the petitioners, submitted that the Society comprises residential, commercial, and amenity land parcels governed by its bye-laws. He stated that elections for the full Managing Committee were last held on 24-01-2021 and for the President and one-third members on 12-03-2023, but no further elections have been conducted despite repeated requests. Instead, individuals without lawful mandate, including Ms. Saima Abad (In-Charge

appointed 09-12-2024), have unlawfully managed the Society, initiating construction, calling for members' records, publishing high-rise project advertisements, altering bank signatories, and issuing share certificates, all beyond her expired tenure of 09-03-2025. Respondents have also illegally transferred leases and issued NOCs based on forged documents, including Plot No. R-90, causing mismanagement and violation of members' rights. Despite prior Court directions restraining unlawful appointments in CPD No. 4921/2022, illegal acts continue, undermining governance, causing financial loss, and infringing fundamental rights to property and due process. Legal notices remained unheeded, leaving petitioners to invoke constitutional jurisdiction. Counsel emphasized that the learned Vth Senior Civil Judge/Special Court, vide order dated 17-12-2025, appointed the Nazir to supervise elections, reaffirmed by this Court on 22-01-2026 (CP No. D-6317/2025) with a sixty-day completion direction. He prayed for judicial intervention to protect Society assets, prevent the creation of third-party interests, ensure compliance with Court orders, and direct the conduct of fresh and fair 1/3 elections for the governing body, along with the presidential post, of the Inchauli Cooperative Housing Society.

6. Learned AAG assisted by the counsel for the intervener has opened these petitions on the ground that this court has already passed the order in the aforesaid petition, as such no further indulgence of this court is required in the matter. He also pointed out that the election process is underway, and intervention at this stage may jeopardize the election process. He prayed to dismiss all the petitions.

7. We have heard the learned counsel for the parties and perused the record with their assistance.

8. From the record, it is evident that the present petitions essentially seek reliefs relating to the supervision and conduct of elections of the Inchauli Cooperative Housing Society, as well as protection of the Society's properties and assets. However, it is noted that this Court, vide order dated 22-01-2026 in CP No. D-6317/2025, has already disposed of a similar petition of the Society, directing that the elections be conducted under the supervision of the Nazir of the Court within sixty (60) days, without touching the merits of the claims. In furtherance of that order, the learned Vth Senior Civil Judge/Special Court for Cooperative Societies, vide order dated 17-12-2025, and subsequent letter dated 29-01-2026, had appointed Mr. Nisar Ahmed Shaikh, Sub-Inspector Cooperative-IV, Karachi, to assist the In-charge Nazir in conducting the elections.

9. In view of the above, the present petitions are rendered infructuous, as the relief sought by the petitioners, i.e., supervision and conduct of elections, is already being implemented in compliance with the Court's prior directions. It is

also apparent that undue judicial interference at this stage could jeopardize the ongoing election process, which has been initiated under the direct supervision of the Nazir of the Court.

10. It is well settled that once elections have been ordered under court supervision, subsequent petitions seeking the same relief become academic or infructuous. It is also well settled that once the relief sought has been overtaken by events or already complied with under judicial direction, the petition cannot be maintained and is liable to be dismissed as infructuous. It is also a settled principle of law that intervention in matters where an election process is underway under judicial supervision may disrupt the lawful process and is not ordinarily warranted. Accordingly, the present petitions are dismissed as infructuous. No further orders are required in view of the prior directions contained in CP No. D-6317/2025, and the Nazir shall continue to supervise the conduct of the elections, as per earlier directions. The petitioners are at liberty to raise grievances, including the legal grounds before the concerned officer, as agitated before this Court, if any, which shall also be entertained and decision be made in accordance with the law.

11. These petition along with pending application(s), are disposed of in the above terms.

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