

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI

Constitutional Petition No. D-6281 of 2025
(*Muhammad Ehtesham Amin & 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: 17.3.2026

Mr. Zahoor Ahmed advocate for the petitioners
Mr. Abdul Jalil Zubedi, Assistant AG
Mr. Muhammad Vawda advocate for respondent No.5
Mr. Zeeshan Abdullah advocate for the applicants / interveners

ORDER

Adnan-ul-Karim Memon, J. Petitioners have filed this Constitutional Petition under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, with the following prayer: -

- a. *Declare that the impugned letter of election report dated 15.12.2025 (Annex K, at page No.253) whereby the Respondents No.6 to 15 were declared successful candidates "unopposed" as president and members of managing committee without holding fair, free and transparent election is without jurisdiction, illegal, unlawful, have no legal effect in the eyes of law.*
- b. *Declare that the impugned notification dated 16.12.2025 (Annex L at page No.257) whereby the Respondents No.6 to 15 were notified as president and members of managing committee is illegal, unlawful, have no legal effect in the eyes of law.*
- c. *Set aside the impugned letter of election report dated 15.12.2025 (Annex K) and notification 16.12.2025 (Annex L).*
- d. *Declare that the petitioners being bona fide members of Society are entitle to participate in election, contest and have right to cast their vote in the election.*
- e. *To appoint and direct the learned Nazir of this Court to hold the election of Society in accordance of bye-laws of Society and, after obtaining the original record, preparing a valid final voters' list, after scrutiny and issuing a lawful election schedule with due notice and submit a report to this Court.*
- f. *Grant a temporary as well as mandatory injunction, suspend the operation of impugned letter of election report dated 15.12.2025 (Annex K) and notification 16.12.2025 (Annex L) and restrain the Respondents, particularly Respondents No.6 to 15, from acting as president and members of managing committee of Society, taking charge, assuming control, managing, operating or in any manner whatsoever interfering in the affairs, management, administration and record of the Society, including but not limited to exercising powers in terms*

of impugned letter of election report dated 15.12.2025 and notification dated 16.12.2025, in the interest of justice and to prevent irreparable loss, harm and prejudice to the Petitioners.

2. Learned counsel for the Petitioners contended that the Petitioners are bona fide members of the Sindh Secretariat Employees Cooperative Housing Society and lawful owners of their respective plots. He submitted that under the Society's Bye-Laws, elections are required to be conducted annually in a fair, transparent, and lawful manner. However, in the present case, no valid election process was followed. It was argued that the alleged elections were conducted without preparation of a lawful voters' list, without issuance of a proper election schedule, and in the absence of the original record, which is admittedly in the custody of the Nazir of the Cooperative Court. He further submitted that the appointment of the Election Officer had already been suspended by the competent Court, yet the Election Officer proceeded to issue an election report dated 15.12.2025, followed by a notification dated 16.12.2025 declaring Respondents Nos. 6 to 15 as office bearers. Such actions, according to the counsel, were taken in violation of subsisting court orders, without jurisdiction, and in breach of principles of natural justice. It was emphasized that the Petitioners were unlawfully deprived of their right to participate in the election process, and therefore the impugned actions are liable to be declared illegal and void ab initio.

3. Learned counsel for Respondents Nos. 5 to 10 submitted a statement seeking permission of the Court to place on record a copy of the plaint in Suit No. 123 of 2026 pending before the Special Judge, Cooperative Societies, Karachi Division, for proper adjudication of the matter and argued that election was conducted by the order of this court and election report was submitted and subsequently notified on 16.12.2025 and suits are pending, he prayed to dismiss the petition, as this Court cannot give conclusive findings, in presence of civil litigation between the parties on the subject issue.

4. Learned counsel for the Intervenors/Applicants submitted that they are also bona fide members and allottees of the Society and have a direct and substantial interest in the matter. He argued that they have been deprived of their fundamental right to contest and vote due to the illegal and non-transparent election process. It was further submitted that the issues raised by the Applicants are identical to those of the Petitioners, involving common questions of law and fact, including legality of the election process and validity of the impugned notifications. He prayed that the Applicants be impleaded as co-petitioners to avoid multiplicity of proceedings and to ensure complete adjudication of the controversy.

5. Respondent No. 4/ Election Officer submitted that he was lawfully appointed as Election Officer pursuant to the orders of the this Court. He submitted that the election process was conducted on the basis of the record and members' list provided by the Administrator, and thereafter the election report was duly submitted on 15.12.2025. He further argued that the newly elected Managing Committee was notified on 16.12.2025, and that the elections were conducted in a free, fair, and transparent manner after due publicity, as evidenced by newspaper publications. He therefore prayed that the petition be dismissed.

6. After hearing learned counsel for the parties and examining the available record, it emerges that the core controversy pertains to the legality and transparency of the election process of the Sindh Secretariat Employees Cooperative Housing Society.

7. Admittedly, the original statutory record of the Society, including the membership register and voters' record, was in the custody of the learned Nazir of the Cooperative Court at the relevant time. In such circumstances, any election conducted without access to and verification from the original record cannot be termed as lawful or valid. Preparation of a valid voters' list is the foundational requirement for a fair election, and any process undertaken without fulfilling this mandatory condition is vitiated.

8. It is further an admitted position that the appointment of the Election Officer vide notification dated 11.09.2025 had been suspended by the competent Court on 10.12.2025. Despite such suspension order being in the field, the Election Officer proceeded to issue the election report dated 15.12.2025, followed by notification dated 16.12.2025. These actions were clearly taken in defiance of a subsisting judicial order and, therefore, are without lawful authority and jurisdiction and liable to be amended.

9. The law is well settled that any act done in violation of a court order is void and non-est in the eyes of law. Reference may be made to the judgments of the Supreme Court in *Messrs Al-Jehad Trust v. Federation of Pakistan* (PLD 1996 SC 324) and *Government of Sindh v. Sharaf Faridi* (PLD 1994 SC 105), wherein it has been held that actions taken without lawful authority or in disregard of legal mandates are liable to be struck down. Likewise, in *Muhammad Yasin v. Federation of Pakistan* (PLD 2012 SC 132), it has been reiterated that adherence to due process and transparency is a sine qua non for validity of administrative actions.

10. Furthermore, holding elections without issuance of a proper election and without affording an opportunity to eligible members to participate, is in violation

of the principles of natural justice as well as the provisions of the Sindh Cooperative Societies Act, 2020 and the Bye-Laws of the Society.

11. In view of the above, this Court is of the considered opinion that the purported election process suffers from patent illegality, jurisdictional defects, and procedural irregularities, rendering the same void ab initio.

12. Accordingly, this petition along with pending application(s) is disposed of in the following terms:

a. The impugned letter of election report dated 15.12.2025 and notification dated 16.12.2025 are hereby declared to be without lawful authority, illegal, and of no legal effect. The same are hereby set aside.

b. It is declared that the Petitioners, being bona fide members of the Society, are entitled to participate in the election process, including the right to contest and vote.

c. In order to ensure transparency and fairness, the Registrar, Cooperative Societies, Sindh is directed to appoint Official Assignee of this court as Election Officer, within fifteen (15) days of this order.

d. The newly appointed Election Officer shall obtain custody of the original record from the learned Nazir or concerned Court, prepare and publish a provisional voters' list, decide objections and finalize the voters' list, issue a proper election schedule strictly in accordance with law and Bye-Laws, ensure due publicity through widely circulated newspapers, and conduct free, fair, and transparent elections of the Managing Committee.

e. The entire election process shall be completed within a period of three (03) months from the date of appointment of the Election Officer. The fee of the Election Officer is fixed at Rs. 30,000/- to be paid in advance from the saving funds.

f. Till completion of the fresh election process, Respondents No. 6 to 15 are restrained from acting as office bearers or interfering in the affairs of the Society.

g. The Official Assignee shall ensure compliance of this order and may, if necessary, seek assistance of the learned Nazir for safe custody and verification of record.

Copy of this order shall be communicated to all concerned for compliance in time.

JUDGE

JUDGE