

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI

Constitutional Petition No. D-2818 of 2026
(*Naveed Ahmed Abro v Syed Kamran Sabir & others*)

Date	Order with signature of Judge
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Before:-

Mr. Justice Adnan-ul-Karim Memon

Mr. Justice Zulfiqar Ali Sangi

Date of hearing and order:-13.5.2026

Syed Ashar Askar Zaidi advocate for the petitioners

Mr. Ali Safdar Depar, Assistant AG

Mr. Iqbal Hussain Shah advocate for respondent No.1

Mr. Qamar Raza Baloch, Secretary, Cooperative Department

Syed Hussain Shah, Deputy Registrar (Legal & Technical)

Mr. Naveed Ahmed Abro, Incharge Committee Administrator, Kokan Muslim Cooperative Housing Society

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ORDER

Adnan-ul-Karim Memon, J. This Court, vide order dated 09.04.2026 passed in C.P. No.D-5671/2021 and connected matters, directed the Secretary, Cooperative Department, Government of Sindh, to provide complete and authenticated record of the Society to the Nazir of this Court within one month for conducting fresh elections under judicial supervision. The Nazir was further directed to finalize the verified list of members and conduct elections expeditiously, while disciplinary proceedings were also ordered against delinquent officials responsible for delaying compliance of earlier orders. It was further observed that any person creating hurdles in the election process would render himself liable to proceedings under Article 204 of the Constitution.

2. It has been brought on record that the learned V-Senior Civil Judge, Karachi West / Special Court for Cooperative Societies, Karachi Division, vide order dated 06.04.2026, suspended notifications dated 15.01.2026 and 29.01.2026 relating to the appointment of Defendant No.4 as Administrator/In-charge Committee, while observing that serious questions had arisen regarding his authority in view of subsequent transfer/relieving notifications and allegations concerning irregularities in the election process and preparation of voter list. The trial Court further directed handing over of the Society record to the Incharge Nazir of the trial Court for preparation of list of bona fide members, publication of provisional voter list and adjudication of objections. Subsequently, application under Order XXXIX Rule 4 CPC seeking recall of the interim order was dismissed vide order dated 24.04.2026, though it was clarified that the said order should not obstruct compliance of the directions issued by this Court.

3. Learned counsel for the petitioner contended that the petitioner was lawfully appointed as Administrator/In-charge Committee through notification dated 15.01.2026 and was performing duties in compliance with the directions issued by this Court for conducting free, fair and transparent elections under supervision of the Nazir of this Court. It was argued that despite clear directions of this Court, the trial Court, through the impugned orders, exceeded its jurisdiction and interfered with implementation of orders passed by this Court, thereby creating hurdles in the election process already placed under judicial supervision.

4. In the circumstances, notice was directed to be issued to the respondents as well as the learned Advocate General, Sindh. Meanwhile, operation of the impugned orders dated 06.04.2026 and 24.04.2026 were ordered to remain suspended. Learned MIT-I was also directed to call explanation from the learned V-Senior Civil Judge, Karachi West / Special Court for Cooperative Societies, Karachi Division.

5. When matters of similar nature were taken up, the instant matter was also taken up along with Constitutional Petition Nos. D-5671 of 2021, D-7321 of 2021, and D-1623 of 2023, wherein this Court recorded the undertaking of the concerned officer to ensure compliance of the order dated 09.04.2026 within two weeks, while observing that failure to comply within the stipulated period would entail proceedings under Article 204 of the Constitution read with Section 17 of the Contempt of Court Ordinance, 2003. The Nazir was further directed to conduct elections of the Society within three weeks strictly in accordance with the bylaws and cooperative laws, and it was clarified that no impediment, including any order of a subordinate Court, shall obstruct completion of the election process within the prescribed period. Pending petitions and applications were accordingly disposed of with directions to the office to communicate the order to all concerned and place a copy in connected matters. An excerpt of the order dated 13.5.2026 is reproduced as under:-

“4. Today, the concerned officer has undertaken to ensure compliance with the order dated 09.04.2026 within two weeks. The request is accepted; however, it is made clear that failure to comply within the stipulated period shall invite proceedings under Article 204 of the Constitution, read with Section 17 of the Contempt of Court Ordinance, 2003.

5. The Nazir is accordingly directed to conduct the elections of the Society within three weeks, strictly in accordance with the bylaws of the Society and cooperative laws. Any impediment, including one from any subordinate court, shall not obstruct the Nazir in completing the election process within the stipulated time. Pending petitions, if any, or application(s) stand disposed of in the above terms

Office to communicate this order to all concerned for immediate compliance and place a copy in the connected petitions.”

6. The learned Nazir has submitted report stating that the order dated 09.04.2026 passed in C.P. No. D-5671 of 2021 was communicated to his office on 08.05.2026, after lapse of one month. It is further stated that in compliance of the said order, letter dated 11.05.2026 has been issued to the Secretary, Cooperative Department, Government of Sindh, directing submission of the requisite record on 14.05.2026 without fail. An excerpt of the report is reproduced as under:—

“REPORT IN COMPLIANCE OF ORDER DATED 07.05.2026

1. It is most respectfully submitted that the Order dated 09.04.2026 passed in C.P. No. D-5671 of 2021 by this Hon'ble Court, has been communicated to this office on 08.05.2026 at 11:45 AM, after lapse of one month, and such receipt has also been marked in the subject case file, at the bottom of the Order Sheet (Copy enclosed, marked 'A').

2. In compliance of said Order, a letter dated 11.05.2026 has been issued to the Secretary, Cooperative Department - Government of Sindh, to ensure the submission of requisite record, as specified in Order dated 09.04.2026 on 14.05.2026, without fail (Copy enclosed, marked 'B').

3. Report is respectfully submitted for favour of kind perusal.”

7. In view of the foregoing facts and circumstances, it is evident that this Court, through successive judicial orders, has consistently sought to ensure restoration of democratic management of the Society through free, fair and transparent elections under the supervision of the Nazir of this Court. The directions contained in order dated 09.04.2026 were explicit, mandatory and binding upon all concerned authorities, particularly the Secretary, Cooperative Department, Government of Sindh, who was under legal obligation to provide complete and authenticated record of the Society within the stipulated period so that the election process could proceed without obstruction.

8. The record further reflects that despite clear judicial directions, unnecessary complications and impediments were created through proceedings before the subordinate Court, resulting in delay in implementation of the orders passed by this Court. Prima facie, the impugned orders passed by the learned V-Senior Civil Judge, Karachi West / Special Court for Cooperative Societies, Karachi Division, had the effect of interfering with and obstructing the execution of the directions already issued by this Court in exercise of its constitutional jurisdiction. It is a settled principle of law that subordinate Courts are bound by the orders of the High Court and cannot pass orders which directly or indirectly frustrate implementation of judicial directions issued by the constitutional Court.

9. It is also a matter of serious concern that the order dated 09.04.2026 was communicated to the office of the Nazir only on 08.05.2026, after lapse of almost one month, thereby causing avoidable delay in commencement of the election process. The conduct of the concerned officials prima facie reflects negligence and lack of seriousness in complying with judicial orders, despite repeated

warnings by this Court that non-compliance would attract proceedings under Article 204 of the Constitution read with Section 17 of the Contempt of Court Ordinance, 2003.

10. At the same time, the report submitted by the learned Nazir demonstrates that immediate steps have now been initiated for implementation of the order by calling upon the Secretary, Cooperative Department, Government of Sindh, to furnish the requisite record without fail. Furthermore, this Court has already directed that no impediment, including any order passed by a subordinate Court, shall obstruct the Nazir from completing the election process within the prescribed timeframe.

11. Accordingly, the Secretary, Cooperative Department, Government of Sindh, along with all concerned officials, are directed to ensure submission of complete and authenticated record of the Society before the Nazir of this Court forthwith and in any case not later than three (03) days from today.

12. Upon receipt of the record, the learned Nazir shall proceed strictly in accordance with the earlier orders passed by this Court and shall finalize the verified list of members and conduct elections expeditiously in accordance with the bylaws of the Society and applicable cooperative laws.

13. It is further clarified that any person, authority or official creating obstruction, withholding record, delaying compliance, or interfering in the election process in any manner whatsoever shall render himself liable to strict action under Article 204 of the Constitution of the Islamic Republic of Pakistan, 1973, read with the Contempt of Court Ordinance, 2003, in addition to such departmental proceedings as may be warranted under the law.

14. The learned MIT-I shall continue to monitor compliance of the orders passed by this Court and submit report, if necessary. Office is directed to communicate this order to all concerned authorities forthwith for immediate and strict compliance.

15. With the above observations and directions, this petition along with pending application(s) stand disposed of.

JUDGE

JUDGE