

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI

Constitutional Petition No. D-4615 of 2026
(Nadeem Abbas versus Anjuman Taraqqi-e-Urdu Pakistan and others)

Date	Order with signature of Judge
------	-------------------------------

Before:-

Mr. Justice Adnan-ul-Karim Memon

Mr. Justice Muhammad Jaffer Raza

Date of hearing & Order: 18.8.2026

Mr. Sagheer Ali Solangi, Advocate for the petitioner

ORDER

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

- a) Issue a writ in the nature of MANDAMUS directing Respondents No. 1 to 4 to forthwith furnish to the Petitioner the authenticated notice and complete Agenda of the Second General Body Meeting dated 11.07.2026, together with the complete electoral roll of all Permanent Members of the Association entitled to vote, the complete list of Permanent Members to whom notices were purportedly issued along with documentary proof and mode of service, and the resolution or authority under which the impugned notice dated 22.06.2026 was issued;
- b) Issue a writ in the nature of MANDAMUS commanding Respondents No. 1410 ensure that every eligible Permanent Member of the Association possessed of voting rights is served notice of any forthcoming General Body Meeting and election through an authenticated, verifiable and legally recognized mode of communication, in strict compliance with the Constitution of the Association and the provisions of the Societies Registration Act, 1860;
- c) Issue a writ in the nature of PROHIBITION restraining and prohibiting Respondents No. 1 to 4, their agents, servants, representatives and all persons acting under their authority, from conducting, holding, finalising, declaring or notifying the results of any election of the Governing Body or Office Bearers of the Association unless and until all eligible Permanent Members have been duly served with notice through a verifiable mode and have been afforded a fair and meaningful opportunity to participate in the electoral process,
- d) Issue a writ in the nature of CERTIORARI calling for and quashing the impugned notice dated 22.06.2026 issued by Respondent No. 3, and all proceedings resolutions and actions undertaken pursuant thereto, including any election purportedly conducted in the Second General Body Meeting held on 11.07.2020, being without lawful authority, void, illegal and of no legal effect;
- e) Declare that the continuation in office of the existing Governing Body Office Bearers of Respondent No. 1 beyond the constitutionally prescribed tenure of three years is without legal or constitutional authority and that the affairs of the Association must be administered strictly in accordance with the Constitution of the Association and the Societies Registration Act, 1860;
- f) Direct Respondent No. 5 and Respondent No. 6 to exercise their statutory supervisory powers under Section 16-A of the Societies Registration Act, 1860 to ensure that the affairs of the Association are conducted in accordance with law, its Constitution, and in a fair, transparent and democratic manner;.

2. We asked the counsel for the petitioner to satisfy the maintainability of the petition.

3. The Petitioner, a duly registered Permanent Member of Anjuman Taraqqi-e-Urdu Pakistan, challenges the actions of the Respondents concerning the proposed election of the Association's Governing Body and Office Bearers. He

contends that the three-year tenure of the existing Governing Body expired in May 2025, yet the office-bearers continued to function without lawful authority. Despite being a voting Permanent Member, he was deliberately not served notice of the Second General Body Meeting scheduled for 11.07.2026, thereby depriving him of his right to participate in the electoral process.

4. The Petitioner's counsel submits that the proposed meeting sought to conduct elections and approve earlier proceedings despite expiry of the Governing Body's tenure and without ensuring notice to all eligible Permanent Members. His written protest and subsequent legal notice demanding authenticated notices, the electoral roll and proof of service were not addressed. He therefore alleges violation of the Association's Constitution, the Societies Registration Act, 1860, principles of natural justice, and Articles 17 and 25 of the Constitution. He maintains that the petition is maintainable under Article 199, as the registered Association and its office-bearers, performing functions of a public nature and being governed by a registered Constitution, are amenable to the constitutional jurisdiction of this Court. He asserts that any election conducted without proper notice to all eligible voters would be void and without legal effect, while the continued functioning of the existing Governing Body after expiry of its tenure is also without lawful authority. Accordingly, the Petitioner seeks directions for proper notice to all Permanent Members, production of the electoral roll and relevant records, restraint against conducting or finalizing the election until due notice and opportunity of participation are afforded, quashing of the impugned notice and proceedings, and directions to the concerned authorities to ensure that the Association is administered in accordance with its Constitution and the Societies Registration Act, 1860.

5. Having heard learned counsel for the petitioner on the maintainability of petition and examined the pleadings, the relief sought, and the nature of the dispute.

6. The entire grievance of the petitioner arises out of an internal dispute concerning the affairs, electoral process, membership, tenure of the Governing Body and alleged non-service of notice of a General Body Meeting of a registered association, namely Anjuman Taraqqi-e-Urdu Pakistan. The petitioner essentially seeks enforcement of rights allegedly arising under the Constitution of the Association and the Societies Registration Act, 1860. Such matters, in their essence, are private and contractual/statutory disputes between members and the office-bearers of the Association and do not, by themselves, constitute enforcement of a public duty amenable to the extraordinary jurisdiction under Article 199 of the Constitution.

7. The mere fact that the Association is registered under the Societies Registration Act, 1860, or that its Constitution is registered with the competent authority, does not convert the Association or its office-bearers into public authorities for the purposes of Article 199. Likewise, the allegation that the Association performs functions of some public or social importance cannot, without more, confer constitutional jurisdiction upon this Court. For invoking Article 199 against a non-State or private body, the petitioner must establish the existence of a public duty or statutory obligation of a public character and demonstrate that the impugned action is amenable to judicial review. The present petition does not satisfactorily establish either requirement.

8. The principal reliefs sought by the petitioner further demonstrate the private nature of the controversy. He seeks production of the Association's electoral roll, proof of service of notices upon members, determination of the validity of the General Body Meeting, declaration regarding expiry of the Governing Body's tenure, and quashing of the proceedings relating to the proposed election. Determination of these questions would necessarily require examination of the Association's Constitution, membership record, notices, mode of service, minutes of meetings, resolutions and other disputed factual matters. Such an exercise falls outside the normal scope of constitutional jurisdiction, particularly where an adequate remedy is available under the applicable law and the internal governing framework of the Association.

9. The petitioner's reliance upon Articles 17 and 25 of the Constitution also does not, in the circumstances of the present case, make the petition maintainable. Article 17 protects the right to form associations, while Article 25 guarantees equality before law and equal protection of law. Neither provision, however, by itself transforms an internal election dispute of a private registered association into a constitutional cause of action. The allegation that the petitioner was not served with notice of the General Body Meeting may give rise to a grievance under the Association's Constitution or the applicable statutory framework, but such grievance cannot automatically be converted into a writ petition under Article 199 of the Constitution.

10. Similarly, the prayer seeking directions to Respondents No. 5 and 6 to exercise supervisory powers under Section 16-A of the Societies Registration Act, 1860, cannot by itself confer jurisdiction upon this Court. The petitioner must first establish a legally enforceable public right and a corresponding public duty owed to him. The constitutional jurisdiction of this Court cannot be invoked merely to supervise the internal administration or electoral affairs of a registered association in the absence of a clear statutory duty requiring intervention in the particular manner sought.

11. Even otherwise, the allegations regarding expiry of the three-year tenure of the Governing Body, non-service of notice, validity of the electoral process and the legality of the proceedings dated 11.07.2026 involve disputed questions of fact which cannot appropriately be adjudicated in the present proceedings without examination of the complete record and evidence. The petitioner's assertion that the existing office-bearers have continued beyond their tenure may be a matter requiring determination under the Association's Constitution and the applicable statutory mechanism, but it does not, without determination of the underlying facts and legal framework, justify issuance of a writ of mandamus, prohibition or certiorari.

12. It is also significant that a writ of mandamus cannot ordinarily be issued to compel a private body to perform an alleged obligation unless such body is shown to be under a corresponding public or statutory duty and fall under Article 199(5) of the Constitution. Likewise, certiorari and prohibition are extraordinary remedies directed against proceedings amenable to judicial review; they cannot be employed as a substitute for proceedings concerning an internal election dispute merely because the petitioner alleges illegality in the conduct of such election, which is the function of the competent authority under the relevant law/bylaw.

13. We are, therefore, of the considered view that the petitioner has attempted to give a constitutional complexion to what essentially remains an internal dispute relating to the management and election of a registered association. The reliefs claimed are founded primarily upon the Association's Constitution, its membership and electoral arrangements, and the alleged failure of its office-bearers to comply with those arrangements. Such questions are required to be pursued before the forum or through the mechanism provided by the applicable law, rather than through a petition under Article 199 of the Constitution.

14. Consequently, without expressing any opinion on the merits of the petitioner's allegations regarding the validity of the impugned notice, the tenure of the Governing Body, or the proposed election, the petition is held to be not maintainable under Article 199 of the Constitution and is accordingly dismissed in limine. The petitioner shall, however, be at liberty to avail himself of any other remedy available to him under the Constitution of the Association or the applicable law. No order as to costs.

JUDGE

JUDGE