

IN THE HON'BLE HIGH COURT OF SINDH AT

KARACHI

Constitutional Petition No. D-

3846

of 2023

Presented on 10-8-2023
Additional Registrar (Writing)

1. Ghulam Murtaza Lahbar

S/o. Haji Rakhyal,
Muslim, adult, R/o.
Plot No. R-260, Sector 36-A,
KDA, Scheme No.33,
P.P.O.W.C.H Society,
Karachi

2. Muhammad Ayooob

S/o. Ali Gohar
Muslim, adult, R/o.
Plot No. R-497, Sector 36-A,
KDA, Scheme No.33,
P.P.O.W.C.H Society,
Karachi

3. Shakeel Ahmed

S/o. Ali Anwer
Muslim, adult, R/o.
Plot No. R-301, Sector 36-A,
KDA, Scheme No.33,
P.P.O.W.C.H Society,
Karachi

4. Kanwar Aftab

Son of Kanwar Abdul Ghafoor,
Muslim, adult, R/o.
Plot No. R-126, Sector 36-A,
KDA, Scheme No.33,
P.P.O.W.C.H Society,
Karachi

5. Gul Hassan

S/o. Muhammad Yousif
Muslim, adult, R/o.
Plot No. R-448, Sector 36-A,
KDA, Scheme No.33,
P.P.O.W.C.H Society,
Karachi

6. Abdul Rasheed

S/o. Bakhshal.



Muslim, adult, R/o.
Plot No. R-171, Sector 36-A,
KDA, Scheme No.33,
P.P.O.W.C.H Society,
Karachi

7. Ghulam Nabi Jatoi
S/o. _____

Muslim, adult, R/o.
R-308, Sector 36-A,
KDA, Scheme No.33,
P.P.O.W.C.H Society,
Karachi

8. Mst. Afshan Atif
W/o. Atif Sadiq Shaikh
Muslim, adult, R/o.
Plot No. R-453, Sector 36-A,
KDA, Scheme No.33,
P.P.O.W.C.H Society,
Karachi

9. Waseem Hassan Memon
S/o. Najam Uddin
Muslim, adult, R/o.
Plot No. R-442, Sector 36-A,
KDA, Scheme No.33,
P.P.O.W.C.H Society,
Karachi

10. Zakir Hussain Zardari
S/o. Muhammad Ali,
Muslim, adult, R/o.
Plot No. R-394, Sector 36-A,
KDA, Scheme No.33,
P.P.O.W.C.H Society,
Karachi

11. Yamin Chandio
S/o.
Muslim, adult, R/o.
Plot No. R-401, Sector 36-A,
KDA, Scheme No.33,
P.P.O.W.C.H Society,
Karachi

12. Rehan Karim Lakho
S/o. Abdul Karim Lakho
Plot No. R-205, Sector 36-A,
KDA, Scheme No.33,
P.P.O.W.C.H Society,
Karachi

13. Abdul Salam



15

S/o. Abdul Khaliq
Muslim, adult, R/o.
Plot No. R-136, Sector 36-A,
KDA, Scheme No.33,
P.P.O.W.C.H Society,
Karachi
All Petitioner's through their
Attorney Petitioner No.13Petitioners

VERSUS

1. **Province Of Sindh**
Through its Secretary
Cooperation Department,
Having office at Barrack No. 19-A,
Pakistan Secretariat, Karachi
2. **The Managing Director**
Sindh Cooperative Housing Authority
Having office at Barrack No. 19-A,
Pakistan Secretariat, Karachi
3. **Iqbal Hussain Channa**
S/o. Amir Bux Channa,
R/o Flat No.701, Sandview Homes,
Ferere Town Clifton,
Karachi
4. **The Registrar Cooperative Societies Sindh**
Camp Office at Mezzanine Floor,
Noman Arcade, Sir Shah Suleman Road,
Near Mashirq Center, Karachi
5. **Abdul Jalil Zubedi**
Assistant Advocate General
Commissioner of
Pakistan Post Office Workers
Cooperative Housing Society Limited
Through Advocate General
Sindh, Karachi RESPONDENTS



**CONSTITUTIONAL PETITION U/S. ARTICLE 199
OF CONSTITUTION OF ISLAMIC REPLUBIC OF
PAKISTAN 1973**

It is respectfully submitted by the above-named
Petitioners as under:

1900



IN THE HIGH COURT OF SINDH AT KARACHI

Constitution Petition No. D-615 of 2023
Constitution Petition No. D-1062 of 2023 &
Constitution Petition No. D-3846 of 2023

Before: Mr. Justice Aqeel Ahmed Abbasi
Mr. Justice Mubeen Lakho

Mr. Khurram, Advocate for the petitioners in C.P. No. D-615/2023
Mr. Babar Ali Shaikh, Advocate for the petitioner in C.P.
No. D-1062/2023
M/s. Pervaiz Ahmed Bhatti, Mr. Farrukh Nawaz Khan, M. Fahim
Zia and S.M. Ehtesham, Advocates for the petitioners in C.P.
No. D-3846/2023.
Mr. Abu Bakar Memon, advocate for Petitioner No. 6 in C.P.
No. D-3846/2023.
Mr. Muhammad Ali Lakhani & Mr. Mujtaba Sohail Raja, advocate for
Respondent No. 6 in C.P. No. D-3846/2023.
Mr. Abdul Jalil Zubedi, A.A.G.
Mr. Iqbal Hussain Channa, Administrator/Respondent.
Shoaib Ahmed, proposed intervener.

Date of hearing: 07.09.2023

Date of Order: 07.09.2023

ORDER

After hearing learned counsels for the parties at some length and from perusal of the record as well as the Order dated 08.12.2021 already passed by a Divisional Bench of this Court in C.P. No. D-2239 of 2017 directing the Commissioner appointed by the Court to hold elections of the Society i.e. Pakistan Post Office Workers Cooperative Housing Society Ltd., it appears that in view of disputed claims being filed by the individual members with regard to their entitlement on various plots in the Society, the final list of eligible members of the Society could not be prepared, therefore, elections could not be held so far within the given time. However, it has come on record that a provisional list has been prepared by Mr. Abdul Jalil Zubedi, who has been appointed Commissioner by the order of this Court, to hold elections of the Society, whereas, no objection appears to have been filed on such provisional list in these cases. Learned counsel present in above petitions



have candidly submitted that petitioners do not dispute the provisional list furnished by the Commissioner, however, request that elections may be directed to be conducted under the supervision of the Nazir of this Court.

In order to avoid further delay and piling up disputes and litigations between the members of the society, we would dispose of these petitions in terms of Consent Order dated 08.12.2021 passed in C.P. No. D-2239 of 2017, which is reproduced hereunder.

"We, therefore, dispose of this petition with the consent of the learned counsel for the parties in the following terms:-

- i) Mr. Abdul Jalil Zubedi (A.A.G.) is appointed as the Commissioner to hold election of the President and entire Managing Committee of the Society under his supervision.
- ii) Respondent No. 3 shall hand over the record of the Society to the Commissioner under an inventory within ten (10) days hereof; thereafter, the Commissioner shall scrutinize the same properly as per original allotment and prepare a valid voter list of the members of the Society as per law within twenty (20) days thereof.
- iii) The Registrar, Cooperative Societies Sindh (Respondent No. 4) shall issue a schedule for the election of the Society and publish the same in the "Daily Jang" within 30 days hereof by specifying the venue of the election.
- iv) After holding election of the President and entire Managing Committee of the Society, the Commissioner shall hand over the record of the Society as per the inventory prepared by Respondent No. 3 to newly elected Management of the Society.
- v) Fee of the Commissioner is tentatively fixed at Rs.100,000/= payable by the Society. The Commissioner, however, may request for further fee by filing a reference in the instant petition.
- vi) The Respondent No. 3 is forthwith stopped from incurring any expenditure except payment of the current salaries of the employees of the Society, if any, and expenditures towards holding election of the Society."



However, it is further clarified that the elections of the Society will be conducted on the basis of the provisional list prepared by the Commissioner, within two months from the date of this order, whereas, the Administrator i.e.

Mr. Iqbal Hussain Channa, will not act in violation of the mandate given by the

Divisional Bench of this Court in Para (vi) of the order dated 08.12.2021 and shall provide his fullest assistance to the Commissioner. It is further directed that the Administrator shall not decide any dispute relating to any right, title or claim of the members of the Society, whereas, in case of any dispute of such nature, the members of the Society will be at liberty to approach the Cooperative Court for redressal of their grievance in terms of section 117 of the Sindh Cooperative Societies Act, 2020. After holding of elections of the Society, the charge and the relevant record of the Society shall be handed over to the elected management, whereafter, compliance report be submitted to this Court through MIT-II of this Court.

Accordingly, the above petitions stand disposed of in the above terms alongwith pending applications.

Mr. Azeem Ahmad Abbasi
JUDGE

Mr. Abdul Mubeen Laleo
JUDGE

D/O Matter



- 1- For order on Misc No. 20291/23 (U/A)
- 2- For " " " 20292/23 (152)

BD

D/O Matter

- 1- For Order on OMA No. 20480/23 (U/A)
- 2- For " " " 20482/23 (152)
- 3- For " " " 20292/23 (152)

Order Sheet
IN THE HIGH COURT OF SINDH AT KARACHI
C.P. No.D-3846 of 2023

Date	Order with signature of Judge
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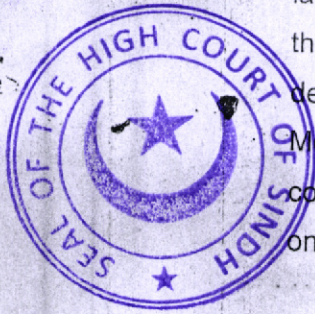
1. For orders on CMA No.26276 of 2023
2. For orders on CMA No.25284 of 2023
3. For orders on CMA No.23871 of 2023
4. For hearing of CMA No.20482 of 2023
5. For hearing of CMA No.20292 of 2023.

23.11.2023 :

Mr. Amir Aziz, Advocate and Mr. S.M. Ahtisham, Advocate
for the petitioner.

Mr. Abdul Jalil Zubedi, Advocate Commissioner/Election Officer.

Learned Commissioner who has filed this reference requires hearing thereof. He undertakes to provide copies thereof to the learned counsels present. It is, however, contended by the learned Commissioner that the immediate question in the matter is whether the upcoming elections on 26.11.2023 may be conducted without payment required to be made under Section 19 and Rule 57 of the Sindh Cooperative Societies Act, 2020, by the candidates of the elections and the members therein. As an interim measure only it is ordered that the said elections shall be held as already announced wherein the participation on part of the members as well as candidates will be subject to final conclusion of this reference. No restriction on account of the required payment as referred above shall be required at present. Learned Commissioner as well as learned counsels and the parties present state that law and order situation on the day of elections is required to be managed. At the joint request, S.P. concerned is directed to ensure that sufficient force is deputed and it be ensured that no law and order situation is created. Mr. Miran Mohammad Shah, AAG present in Court does not oppose such request. Let a copy of this order be provided to the learned AAG for compliance. To come up on 11th December, 2023.



Farooq PS*

Sgt Nadeem Mehsar
TO

Sgt M. A. R. Khan
TO

Order Sheet

IN THE HIGH COURT OF SINDH AT KARACHI

C. P. No. D – 3846 of 2023

Date	Order with Signature of Judge
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1. For orders on CMA No.27166/2023 (Urgent) :
2. For orders on CMA No.27167/2023 (U/s. 151 CPC) :
3. For orders on CMA No.25284/2023 (U/s. 151 CPC) :
4. For orders on CMA No.23871/2023 (Contempt) :
5. For orders on CMA No.20482/2023 (U/s. 152 CPC) :
6. For orders on CMA No.20292/2023 (U/s. 152 CPC) :

01.12.2023

Mr. Aamir Aziz, Advocate for the petitioner.
M/S Pervaiz Ahmed and S. M. Ehtesham, Advocates.

1. Urgency granted.

2. The petitioner alleges that Mr. Abdul Jalil Zubedi, Election Commissioner, has not handed over the record of the society to the newly elected management despite order of this Court. Issue notice to the above named Election Commissioner to submit his response on or before the next date of hearing. To be listed on 11.12.2023 when the matter is already fixed.

3-6. Dismissed as not pressed.

Sgt. Nadeem Akhtar

JG

Sgt. Mohamud Ali Khan

JG

Nazir

D/O matter

For Hg of CMA No 27167/23 (151)
(Notice issued)



Order Sheet
IN THE HIGH COURT OF SINDH AT KARACHI
C. P. No. D-3846 of 2023

Date	Order with Signature of Judge
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For hearing of CMA No.27167/2023 (151) :

11.12.2023

Mr. Aamir Aziz, Advocate for the petitioners a/w
M/S SM Ehtisham & Pervez Ahmed Advocates.
Mr. Jawwad Dero, Addl. A.G. Sindh.
Mr. Fayyaz Ali Metlo Advocate.

A compliance report has been submitted by Election Commissioner as directed vide order dated 01.12.2023, which is taken on record copy whereof has been received by counsel for the petitioners. To be listed in January 2024.



Signature of Judge
Judge

Signature of Counsel
Counsel

THE HIGH COURT OF SINDH, KARACHI
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(MUHAMMAD SARFARAZ)
J/C ASSISTANT REGISTRAR (COPYING)

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COMPARING BY
OFFICE ASSOCIATE

(MUHAMMAD SARFARAZ)
J/C ASSISTANT REGISTRAR (COPYING)



THE HIGH COURT OF SINDH, KARACHI
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(MUHAMMAD SARHARAT)
ASSISTANT REGISTRAR (COPYING)

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OFFICE ASSOCIATE

(MUHAMMAD SARHARAT)
ASSISTANT REGISTRAR (COPYING)

IN THE HON'BLE HIGH COURT OF SINDH AT

KARACHI

Constitutional Petition No. D-3846 of 2023

Presented on 10-8-2023

Additional Registrar (Writ)

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S/o. Haji Rakhyal,
Muslim, adult, R/o.
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P.P.O.W.C.H Society,
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S/o. Ali Gohar
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S/o. Ali Anwer
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4. Kanwar Aftab

Son of Kanwar Abdul Ghafoor,
Muslim, adult, R/o.
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5. Gul Hassan

S/o. Muhammad Yousif
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Karachi

6. Abdul Rasheed

S/o. Dalal



Muslim, adult, R/o.
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Karachi

7. **Ghulam Nabi Jatoi**
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S/o.
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Plot No. R-401, Sector 36-A,
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Karachi

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S/o. Abdul Karim Lakho
Plot No. R-205, Sector 36-A,
KDA, Scheme No.33,
P.P.O.W.C.H Society,
Karachi

13. **Abdul Salam**



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S/o. Abdul Khaliq
Muslim, adult, R/o.
Plot No. R-136, Sector 36-A,
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Karachi
All Petitioner's through their
Attorney Petitioner No.13Petitioners

VERSUS

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Through its Secretary
Cooperation Department,
Having office at Barrack No. 19-A,
Pakistan Secretariat, Karachi
2. **The Managing Director**
Sindh Cooperative Housing Authority
Having office at Barrack No. 19-A,
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4. **The Registrar Cooperative Societies Sindh**
Camp Office at Mezzanine Floor,
Noman Arcade, Sir Shah Suleman Road,
Near Mashirq Center, Karachi
5. **Abdul Jalil Zubedi**
Assistant Advocate General
Commissioner of
Pakistan Post Office Workers
Cooperative Housing Society Limited
Through Advocate General
Sindh, Karachi RESPONDENTS



**CONSTITUTIONAL PETITION U/S. ARTICLE 199
OF CONSTITUTION OF ISLAMIC REPLUBIC OF
PAKISTAN 1973**

It is respectfully submitted by the above-named
Petitioners as under:

IN THE HIGH COURT OF SINDH AT KARACHI

In Compliance of Order Dated 07.9.2023 Passed in C.P.NOS. D- 615, 1062 and 3846 of 2023

PAKISTAN POST OFFICE WORKERS CO-OPERATIVE HOUSING SOCIETY KARACHI

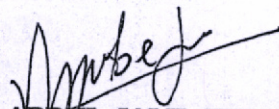
Final Consolidated Results of all Candidates for Election of the year 2023.24

S.NO.	NAMES OF CANDIDATES	TAKEN TOTAL VOTES
1	SADIA KARIM W/O SYED NASIR JAMAL WASTI	140
2	REHAN KARIM LAKHO	141
3	SHAMA SHAHID W/O SHAHID HABIB	114
4	SYED ABDUL GHAFAR SHAH	110
5	MUHAMMAD URIS	111
6	HAFEEZULLAH	110
7	AFTAB AHMED SHAR	116
8	GHULAM NABI JATOI	141
9	SYED GHULAM HASSAN SHAH	112
10	SHAHID HUSSAIN MUGHERI	143
11	MRS. SAIMA W/O IMDAD ALI MUGHERI	139
12	MIRZA MUHAMMAD SALEEM	112
13	RAJA ABDUL WAHEED	110
14	WAHAJ AHMED	110
15	ABDUL WAHEED HAKRO	113
16	TAJUDDIN BURIRO	111
17	SHEHNAZ BEGUM	113
18	NIAZ MUHAMMAD KHUWAJA	112
19	HARIS ISRAR CHISHTI	110
20	MUHAMMAD RAMZAN	116
21	ABDUL RASHEED	138
22	ABDUL SALAM ARAIN	140
23	GUL HASSAN MASTOI	139
24	ZAKIR HUSSAIN ZARDARI	139
25	MRS. SHUMAILA W/O MUHAMMAD AYOUB	141
26	MUHAMMAD ASIF KHAN	139
27	MISHAL DIN	138

TOTAL CASTING VOTES	260
CANCELLED VOTES	6
TOTAL CORRECT VOTES	254

Karachi.
Dated: 11.12.2023




ABDUL JALIL ZUBEDI
Authorized Election Officer
Pakistan Post Office Workers
Co-operative Housing Society
Karachi.

Annexure From Photo Copy (S)

THE HIGH COURT OF SINDH, KARACHI
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(MUHAMMAD SARFARAZ)
J/C: ASSISTANT REGISTRAR (COPYING)

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