

ORDER SHEET.

IN THE ISLAMABAD HIGH COURT, ISLAMABAD.

JUDICIAL DEPARTMENT.

Writ Petition No. 1387/2021

Akhtar Nawaz Khan

Versus

Registrar, Cooperative Societies, ICT, Islamabad, etc.

S. No. of order/ proceedings	Date of order/ Proceedings	Order with signature of Judge and that of parties or counsel where necessary.
(05)	09.02.2022	Mr. Waheed Akhtar, Advocate for petitioner. Mr. Moneeb Ahmed, State Counsel for ICT Administration. M/s. Abdul Wahid Qureshi, Muhammad Umair Baloch and Fariha Jaffar Bajwa, Advocates for respondent No.2. Adeel Asif, Assistant Registrar Cooperative Societies, ICT. Sardar Sabeel Khan, Secretary and Muhammad Nazir Awan, Senior Vice Chairman, Jammu & Kashmir Cooperative Housing Society.

Through this writ petition, the petitioner has prayed for following relief: -

- i) *That the imposition of additional charges by Managing Committee of J & KCHS on the members of G-15 & F-15 Sectors @ Rs.500 per square yard, and on the allottees of Kashmir Model Town @ Rs.1200 per square yard, without approval of the affected members of the concerned projects in General Meeting of the Society and, therefore, by the Registrar Cooperative Societies, in terms of Bye-Laws no.15(14) of the Society are illegal and without jurisdiction.*
- ii) *That the inaction of the Registrar Cooperative Societies on the complaints of petitioner/members of J & KCHS on illegal imposition of additional charges is in contravention of the bye-laws of the Society, and is reeked with malafide.*
- iii) *That the Registrar Cooperative Societies be directed to take action against the MC of J&KCHS for imposition of additional charges in violation of Bye-Laws of J& KCHS, and to take measures for the return of money already received from the members.*
Any other relief which this Honourable Court deems fit and proper may also be awarded."

2. The Secretary, JKCHS alongwith counsel in attendance conceded that Annual General Meeting of the society has not been conducted since 2016 and all Executive Committee decisions have not yet taken approval of AGM. He further contends that due to different professional engagement of Executive Committee of the society qua the audit and dealing with

the criminal case of previous regimes, the society is unable to manage Annual General Meeting, however, he undertakes to arrange the Annual General Meeting within a period of one month.

3. At this stage, State counsel representing ICT Administration alongwith the Assistant Registrar Cooperative Societies, ICT in attendance has been confronted to that effect, whereby, he has submitted letter 14.10.2021, wherein, direction was issued to the Executive Committee of respondent society/JKCHS to conduct the AGM within one month.

4. In view of above, the stance taken by the petitioner has been acknowledged by the respondents before this Court, even it has been admitted position that all actions, orders of Executive Committee have no legal backing due to non approval by AGM till date, hence, instant writ petition stands ***disposed of***, with direction to the Secretary, JKCHS to conduct AGM of the society within a period of one month under the supervision of concerned department i.e. ICT Cooperative Societies Department, wherein, all the actions or orders taken after the last AGM till date should be placed for approval, failing which, all those actions shall stand void including the actions assailed by the petitioner in the instant writ petition.

(MOHSIN AKHTAR KAYANI)
JUDGE

Khurram