

## **ORDER SHEET.**

### **IN THE ISLAMABAD HIGH COURT, ISLAMABAD.** **JUDICIAL DEPARTMENT.**

**W.P No.2882/2019.**

Mukkaram Shah

Versus

Muhammad Asjad Abbasi, etc.

<b>S. No. of order/ proceedings</b>	<b>Date of order/ Proceedings</b>	<b>Order with signature of Judge and that of parties or counsel where necessary.</b>
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<b>01.</b>	<b>06.08.2019.</b>	Ms. Muhammad Arbab Alam Abbasi, Advocate for the petitioner.
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Through the instant writ petition, the petitioner has assailed the order dated 31.07.2019, passed by Chief Commissioner, Islamabad in Revisional jurisdiction and order dated 22.07.2019, passed by the Registrar Cooperative Housing Societies, Islamabad in Appellate jurisdiction, whereby the objections raised by the petitioner against the candidature of respondent No.1 for the upcoming elections of Jammu & Kashmir Cooperative Housing Society have been set aside.

2. Learned counsel for the petitioner inter-alia contends that respondent No.1 participated in the election process of Executive Committee of Jammu & Kashmir Cooperative Housing Society and submitted his nomination papers against the post of Treasurer, whereby the petitioner raised objections that respondent No.1 is not qualified as his membership is not regular; that the objections were allowed vide order dated 08.07.2019 passed by Election Commission/respondent No.2; that respondent No.1 filed an appeal, which was allowed by the Registrar Cooperative Housing Societies and the same was maintained by the Chief Commissioner in Revisional jurisdiction in terms of section 64-A of the Cooperative Societies Act, 1925; that both the forums below have not appreciated the concept of

regular membership in its true perspective and the Managing Committee as well as AGM have not rectified or regularized the membership of respondent No.1 in any manner as such respondent No.1 is not eligible to contest the election.

3. I have heard learned counsel for the petitioner and gone through the record.

4. Perusal of the record reveals that the petitioner is objector, who filed objections against the nomination papers of respondent No.1 for the post of Treasurer in upcoming elections of Jammu & Kashmir Cooperative Housing Society. The nomination papers were initially rejected by the Election Commission, however, the decision of the Election Commission was challenged in appeal, whereby the objections were set aside and respondent No.1 was allowed to contest the election. The said order was further upheld in Revision Petition in terms of section 64-A of the Cooperative Societies Act, 1925.

5. The main objection qua contesting the elections of respondent No.1 is regarding his membership, which has been explained in proper manner in para 8 of the impugned order dated 31.07.2019, passed by the Chief Commissioner/Secretary Cooperatives, ICT, Islamabad, whereby the Managing Committee in its meeting held on 10.09.2018 approved transfer of 149 plots and as such regularized action of Executive and Administrative Committee, whereby membership of respondent No.1 has rightly been regularized although no general meeting was conducted in past one year but it was not under control of respondent No.1 to arrange such meeting. Even otherwise, minimum requirement of one year from date of transfer of plot has already been meted out, which is the minimum requirement for regular membership of Jammu & Kashmir Cooperative Housing Society under the bye-laws. All legal requirements have

been appreciated by the Registrar Cooperatives, ICT, Islamabad in appeal as well as by the Chief Commissioner Islamabad in Revisional jurisdiction in terms of section 64-A of the Cooperative Societies Act, 1925.

6. In view of the above reasons, no case of judicial review is made out, therefore, instant writ petition is **dismissed in limine**.

**(MOHSIN AKHTAR KAYANI)**  
**JUDGE**

R.Anjam