

ORDER SHEET
IN THE ISLAMABAD HIGH COURT, ISLAMABAD
JUDICIAL DEPARTMENT

W.P. No.263 of 2020
Rana Muhammad Hassan
Versus
Chief Commissioner and others

S. No. of order / proceedings	Date of order/ Proceedings	Order with signature of Judge and that of parties or counsel where necessary.
	29.01.2020	Raja Rizwan Abbasi, Advocate for the petitioner.

Through the instant writ petition, the petitioner, Rana Muhammad Hassan, seeks a declaration to the effect that the election of Managing Committee of the State Life Insurance Employees' Cooperative Housing Society ("S.L.I.E.C.H.S."), was unlawful. Furthermore, the petitioner seeks a direction for fresh election to be conducted.

2. The sole ground agitated by the learned counsel for the petitioner was that initially when the election schedule was issued, the last day for the withdrawal of the nomination papers was 12.06.2019, and subsequently when the election initially schedule to be held on 03.08.2019 was re-scheduled for 20.08.2019, the last day for the withdrawal of the nomination papers was extended only up to 10.07.2019.

3. Vide notification dated 17.08.2019 issued by the Cooperatives Department, Islamabad Capital Territory, the names of members of the Managing Committee who were elected un-opposed were notified. As per the petitioner's pleadings in paragraph 9 of the petition, the petitioner's representation before the Secretary, Cooperative Societies Department was turned down on 17.08.2019. The said order dated 17.08.2019 has not been assailed in the instant writ petition. Since the instant petition challenging the entire election process has been filed after more than

five months, this petition is liable to be dismissed due to *laches*.

4. It is well settled that under Article 199 of the Constitution, the power of a High Court to issue an appropriate writ, order or direction is discretionary. One of the grounds on which relief can be refused by a Court exercising writ jurisdiction is that the petitioner is guilty of delay and *laches*. It is imperative that where the petitioner invokes extraordinary remedy under Article 199 of the Constitution, he should come to the Court at the earliest possible opportunity. An inordinate delay in making the motion for a writ is indeed an adequate ground for refusing to exercise discretion in favour of the petitioner. Thus, when the petitioner approaches the High Court with undue delay, the principle of *laches* disentitles him from discretionary relief under Article 199 of the Constitution, particularly, when there is no plausible explanation on the petitioner's part for his blame worthy dilatory conduct.

5. In view of the above the instant petition is dismissed in *limine*.

(MIANGUL HASSAN AURANGZEB)
JUDGE