JUDGMENT SHEET
IN THE ISLAMABAD HIGH COURT, ISLAMABAD

WRIT PETITION NO. 4971 OF 2025

RANA MUHAMMAD IRFAN

VERSUS

SECRETARY JAMMU AND KASHMIR HOUSING SOCIETY AND OTHERS

Petitioner by	**:**	**Syed Wajid Ali Gillani and Syed Talha Safa, Advocates.**
Respondents by	**:**	**Mr. Abdul Wahid Qureshi and Sh. Junaid Nadeem, Advocates.** (For Respondent Nos. 1 to 3) **Mr. Tasawar Baryar, State Counsel.**
Date of Decision	**:**	**27.02.2026.**

MUHAMMAD AZAM KHAN, J.

1. The Petitioner has preferred the instant Writ Petition under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973 seeking setting aside of order dated 04.03.2025 **("Impugned Order I")**, passed by Respondent No. 5 (the Registrar, Cooperative Societies Department, ICT, Islamabad) and the order dated 31.10.2025 **("Impugned Order II")**, passed by Respondent No. 6 (the Secretary Cooperative ICT, Islamabad). The consequence of setting aside these orders, as requested, is that the underlying complaint against the Petitioner be dismissed and that the Petitioner be reinstated to the position of Chairman of Jammu and Kashmir Cooperative Housing Society **("J&KCHS")**. Additionally, the Petitioner seeks the interim relief of suspending the operation of these Impugned Orders until the Court renders a final decision on the petition.

2. The brief facts of the case as per the Memo of the Petition are that the Petitioner, serving as Chairman of the J&KCHS, faced a complaint from the Society's Managing Committee alleging unauthorized representations, financial mismanagement, and unlawful appointments. This led to his suspension by the Deputy Commissioner/Secretary Cooperative Societies ICT on 12.12.2024. The

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Petitioner challenged this suspension in the Islamabad High Court via W.P No. 4110/2024, which on 06.02.2025 directed the Registrar, Cooperative Societies to pass a final order within thirty days after hearing both parties. Consequently, the Registrar, Cooperative Societies allowed the complaint and issued an order against the Petitioner on 04.03.2025. The Petitioner then appealed this decision to the Secretary Cooperative Societies/Commissioner, ICT, Islamabad. Due to significant delays by the appellate authority in deciding the appeal, the Petitioner filed W.P. No. 1376/2025, prompting the High Court to order the Commissioner to decide the matter within one month. Despite this directive and subsequent contempt proceedings initiated by the Petitioner for non-compliance the Secretary Cooperative Society Department failed to decide the matter timely, however, the Petitioner's appeal was ultimately dismissed on 31.10.2025, which the Petitioner alleges was a deliberate delay intended to exhaust his tenure. Feeling aggrieved of the Impugned Orders the Petitioner has preferred the present Constitutional petition.

3. The learned counsel for the Petitioner argued that the Impugned Orders are legally unsustainable, having been passed in a cursory and mechanical manner without proper application of judicial mind. He contended that the entire proceedings are vitiated due to the absence of a lawful inquiry, as the so-called inquiry report was a mere reproduction of the complainants' allegations where no witnesses were examined, no opportunity for cross-examination was provided, and no documentary evidence was confronted to the Petitioner, thereby violating Rule 57 of the Islamabad Cooperative Societies Rules, 2018 and the fundamental principles of natural justice. Counsel further asserted that the Petitioner was arbitrarily suspended and subsequently removed for performing his lawful duties as Chairman, including actions taken against financial irregularities and misconduct by other office bearers, which made the complaint a retaliatory measure by those same individuals. It was also argued that the Petitioner's actions, such as issuing termination letters and appointing a legal advisor, were well within the authority granted to him under the Society's Bye-laws, yet the respondents shielded the disgruntled members and penalized the Petitioner for upholding the law. Additionally, counsel highlighted that the Petitioner's separate application under Section 43 of the Cooperative Societies Act, 1925, regarding

the same controversy, was never decided. Ultimately, counsel maintained that the orders are biased, arbitrary, and a product of malice, effectively interfering with the Society's autonomous functioning, and are thus liable to be set aside.

4. The learned counsel for Respondent Nos. 1 to 3, opened his arguments by challenging the very maintainability of the Constitutional petition. They contended that the Petitioner is attempting to misuse the extraordinary jurisdiction of this Court under Article 199 of the Constitution as a substitute for a second appeal, which is not provided for under the law. Citing 2025 YLR 2784, counsel argued that when a statute excludes a remedy of appeal, the legislative bar must be strictly observed, and entertaining a writ petition in such a situation would defeat the intent of the legislature. He further relied on 2023 SCMR 1434 to emphasize that the right to appeal is a statutory creation, and in the absence of a provision for a second appeal, the decision of the appellate forum is final on facts. On the merits of the case, counsel asserted that the findings of fact by both the Registrar and the Secretary Cooperative Societies are concurrent and based on evidence. Referring to 2025 CLC 1599 and PLD 2007 Supreme Court 45, he argued that it is not proper for the High Court in its Constitutional jurisdiction to disturb concurrent findings of fact by reappraising evidence, unless a patent illegality is floating on the surface of the record, which the Petitioner has failed to demonstrate. Counsel maintained that the inquiry was conducted in accordance with Rule 57 of the Islamabad Cooperative Societies Rules, 2018, and that the Petitioner was afforded multiple opportunities of hearing. The allegations against the Petitioner regarding unauthorized representation, financial mismanagement, and unlawful appointments were substantiated by documentary evidence, including minutes of meetings and official correspondence. It was also contended that the Petitioner's conduct demonstrates acquiescence and waiver, as he participated in the proceedings without raising timely objections. Finally, relying on PLD 2024 Supreme Court 771, counsel submitted that the findings of fact rendered by the appellate authority must be treated as final, and interference by this Court is only warranted in exceptional cases of misreading or non-reading of evidence, which is not the case here. He, therefore, prayed that the petition, being devoid of merit and an abuse of the Constitutional jurisdiction, be dismissed.

5. The learned State Counsel adopted the arguments of the learned Counsel for the Respondent Nos. 1 to 3 and prayed for dismissal of the instant Writ Petition.

6. I have heard the learned counsel for the parties as well as the learned State Counsel and have carefully perused the record, including the Impugned Orders dated 04.03.2025 and 31.10.2025, as well as the inquiry report forming the basis thereof.

7. The learned counsel for Respondent Nos. 1 to 3 and the learned State Counsel have objected to the maintainability of the instant Constitutional Petition on the ground that the Petitioner, having availed the statutory remedy of appeal under Rule 57(4) of the Islamabad Cooperative Societies Rules, 2018, cannot now invoke the jurisdiction of this Court as a substitute for a second appeal.

8. It is by now a settled principle that the jurisdiction of this Court under Article 199 of the Constitution cannot be curtailed merely because the statute provides finality to an appellate order. A finality clause operates within the statutory framework and does not, by itself, oust the constitutional power of judicial review. Therefore, the mere absence of a further statutory appeal does not render a writ petition *per se* non-maintainable.

9. However, it is equally well settled that the Constitutional jurisdiction of this Court is supervisory and corrective in nature and not appellate. Where a statute provides a complete mechanism of redress, including inquiry, adjudication, and appeal, this Court ordinarily exercises restraint and does not re-appraise evidence or disturb concurrent findings of fact unless the impugned orders suffer from lack or excess of jurisdiction, *coram non judice* proceedings, violation of mandatory statutory provisions, breach of principles of natural justice causing prejudice, *mala fide* apparent on the face of the record, or patent misreading or non-reading of material evidence.

10. The Petition does not merely seek reappraisal of evidence. The gravamen of the challenge is that the inquiry proceedings were conducted in violation of Rule 57 of the Islamabad Cooperative Societies Rules, 2018, and in breach of the fundamental principles of natural justice, particularly the alleged absence of a

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lawful inquiry, denial of opportunity of cross-examination, and mechanical reproduction of allegations without independent evaluation. Allegations of this nature, if substantiated, go to the legality of the decision-making process rather than to the correctness of factual conclusions.

11. It is well established that where a petitioner asserts jurisdictional error, procedural illegality, coram non judice proceedings, or violation of mandatory statutory provisions resulting in prejudice, the Constitutional jurisdiction of this Court is attracted notwithstanding the availability or exhaustion of statutory remedies. Judicial review in such cases is directed not against findings of fact *per se*, but against the legality and propriety of the process by which those findings were reached.

12. The mere fact that concurrent findings have been recorded by the Registrar and the Secretary Cooperative Societies does not, by itself, bar maintainability. Concurrent findings may restrict the scope of interference, but they do not oust the constitutional competence of this Court to examine whether such findings are the product of lawful procedure and jurisdictional compliance.

13. In view of the above, the preliminary objection regarding maintainability is overruled. The petition is maintainable to the limited extent of examining whether the Impugned Orders suffer from jurisdictional defect, violation of mandatory procedure, or breach of natural justice. However, the scope of scrutiny shall remain confined to these parameters and shall not extend to reappreciation of evidence as in an appellate forum.

14. In the present case, both the Registrar, Cooperative Societies (Respondent No. 5) and the Secretary Cooperative Society Department (Respondent No. 6) have rendered concurrent findings of fact against the Petitioner. A perusal of the Impugned Order I passed by the Registrar, Cooperative Societies reveals a detailed examination of the record. It was found that the Petitioner acted beyond his authority by making unauthorized representations in judicial forums, despite the Managing Committee's decision dated 29.05.2023 designating other office bearers for this purpose. It was further found that he made unauthorized appointments and terminations without the approval of the Managing Committee,

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in violation of Bye-law No. 36(1) and the decisions taken in meetings held on 28.06.2024 and 24.09.2024. The said order also notes the grave finding regarding the production of a forged document bearing a fake stamp of the R&I Branch, which was confirmed upon verification. The Petitioner was afforded multiple opportunities to defend himself, as expressly recorded in the order, but failed to produce any convincing defense or documentary rebuttal. The appellate authority, in its order dated 31.10.2025, affirmed these findings after re-examining the record. It specifically noted that the Petitioner's contention regarding the inquiry not being conducted properly was not supported by any credible material, and that the findings were based on documentary evidence, including minutes of meetings and official correspondence.

15. This Court must now address the primary argument advanced by the learned counsel for the Petitioner regarding the validity of the inquiry report. The Petitioner has vehemently argued that the inquiry was vitiated as no witnesses were examined, no opportunity for cross-examination was provided, and no documentary evidence was confronted to him. It was contended that the inquiry report was a mere reproduction of the complainants' allegations and carried no evidentiary value. This Court has carefully examined the inquiry report as well as the subsequent orders passed by the Registrar and the Secretary Cooperative Societies. The record reveals that the inquiry was not a superficial or perfunctory exercise. The inquiry officer examined the complaint, issued notices, and afforded multiple opportunities to the Petitioner to participate. The Petitioner's initial non-cooperation and failure to appear despite repeated notices is a matter of record. Paragraph 2 of the order dated 04.03.2025 expressly records that despite multiple opportunities, the Petitioner failed to appear and join the inquiry proceedings, and even when a last opportunity was provided on 13.01.2025, he remained absent. It was only on 14.01.2025, after office hours, that he appeared and submitted a reply. Furthermore, after the directions of this Court in W.P. No. 4110/2024, the Petitioner was again provided an opportunity to appear and defend his position, which he availed. The inquiry report is based on the scrutiny of documentary evidence, including the minutes of the Managing Committee meetings dated 29.05.2023, 28.06.2024, and 24.09.2024, which clearly delineated the authority of office bearers. The finding regarding unauthorized

termination and appointment of employees was based on the absence of any record of such actions in the Society's official dispatch register, a fact which the Petitioner could have rebutted but failed to do so. Most significantly, the finding regarding the forged document bearing a fake stamp of the R&I Branch was not based on mere allegations, it was verified by recording the statement of the Incharge of the R&I Branch, who confirmed that the stamp was counterfeit. This demonstrates that the inquiry officer did not merely rely on the complaint but conducted a modicum of verification where necessary. The argument that the inquiry report was a mere reproduction is also not substantiated. While the report does narrate the allegations, it does not stop there. It proceeds to discuss the evidence gathered, the response (or lack thereof) of the Petitioner, and the findings drawn therefrom. A quasi-judicial authority is not prohibited from setting out the allegations before proceeding to evaluate them. The true test is whether the authority has applied its mind to the evidence and recorded independent findings. This test is satisfied in the present case.

16. This Court further observes that Rule 57 of the Islamabad Cooperative Societies Rules, 2018, does not prescribe a rigid, trial-like procedure mandating the examination and cross-examination of witnesses in every case. The nature of the inquiry is largely dependent on the facts of each case. Where the charges are based on documentary evidence emanating from the official records of the Society, many of which bear the signatures or involvement of the charged person himself, a fair inquiry can be conducted by confronting the accused with such documents and affording him an opportunity to explain the same. In the present case, the Petitioner was confronted with the minutes of meetings, the dispatch register, and the forged document. He was given ample opportunity to present his defense, both during the inquiry and after the directions of this Court. His defense was considered and rightly rejected by the forums below. The inquiry report, therefore, cannot be termed a sham or a colorable exercise of power. The Petitioner has failed to point out any specific provision of Rule 57 that was violated. The mere assertion that no cross-examination was provided, without demonstrating what material evidence could have been rebutted through such cross-examination and how its absence caused him prejudice, is insufficient to vitiate the proceedings. Furthermore, the Petitioner's own conduct militates

against his argument. He was aware of the inquiry proceedings yet chose not to participate fully at the initial stage. He cannot now be heard to complain about the procedural deficiencies of a process he chose to boycott. Having participated belatedly and having been afforded a full hearing by the Registrar, Cooperative Societies after the High Court's directions, the Petitioner has waived any right to object to the initial inquiry proceedings. The purpose of an inquiry under Rule 57 is to ascertain the truth of the allegations to enable the Registrar to take appropriate action in the interest of the Society. In the present case, that purpose has been served. The argument of the Petitioner regarding the inquiry report, therefore, stands rejected.

17. The Petitioner's contention that the complaint was a retaliatory measure and that his actions were within the ambit of his authority is also not borne out from the record. The specific findings against him, such as executing a power of attorney in contravention of the Managing Committee's decision, terminating employees without approval, and issuing show-cause notices without authority, are all supported by documentary proof. The Managing Committee, as the executive body of the Society, is empowered to regulate the affairs of the Society, and its decisions, reflected in the minutes of meetings, bind its office bearers, including the Chairman. The Petitioner cannot be permitted to act in blatant disregard of the collective decisions of the very body he was elected to lead. The argument that his separate application under Section 43 of the Cooperative Societies Act, 1925, was not decided by the Registrar, Cooperative Societies is also of no avail, as the proceedings under Rule 57 were concluded based on the complaint before him, and any ancillary application would merge into the final order.

18. In light of the foregoing, this Court finds that the Impugned Orders dated 04.03.2025 and 31.10.2025 suffer from no illegality, jurisdictional defect, or perversity. They are well-reasoned orders passed after affording due process of law and are based on concrete documentary evidence. The inquiry report was lawfully conducted, based on material evidence, and in substantial compliance with the principles of natural justice. As such, the Petitioner has failed to point out any patent illegality floating on the surface of the record or any misreading or

non-reading of evidence that would warrant interference by this Court in its extraordinary Constitutional jurisdiction. The petition is devoid of merit and is, accordingly, **dismissed**, along with any pending applications.

(MUHAMMAD AZAM KHAN)
JUDGE

Announced in the open court on this _____ day of March, 2026.

JUDGE

Approved for Reporting
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