

## ORDER SHEET

HIGH COURT OF SINDH AT KARACHI

**C.P. No.D-52 of 2016**

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DATE

ORDER WITH SIGNATURE(S) OF JUDGE(S)  
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**Present**

**Mr.Justice Muhammad Ali Mazhar**

**Mr.Justice Adnan Iqbal Chaudhry**

Muhammad Alauddin & another.....Petitioners

V E R S U S

Chief Election Commissioner & others.....Respondents

**09.08.2018**

None present for the Petitioners.

Mr.Ghulam Shabbir Shah, Addl. A.G. Sindh.

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**Muhammad Ali Mazhar, J:** The controversy raised by the petitioners through this petition reflected that the petitioners conducted election for the posts of Chairman and Vice Chairman from UC-42, District West, Karachi. The forms 11 and 13 were issued to the petitioners by the Returning Officer but on 09.12.2015 the Returning Officer called the petitioners for recounting the votes. When the petitioners reached in the office of Returning Officer, he was already engaged in the process of recounting. It is further alleged that the votes of the petitioners were cancelled by the Returning Officer. The petitioners had submitted application to the respondent Nos.1 and 2 for issuing the notification to the petitioners as winning candidates but no action was taken.

2. The learned Additional Advocate General Sindh pointed out Section 46 of the Sindh Local Government Act, 2013 which germane to election petition. It is clearly provided that an election to an office of a council shall not be called in question except by an election petition. In this case instead of availing the remedy of filing election petition if the petitioners were found aggrieved, the petitioners have approached this court under its constitutional jurisdiction. The petition is not maintainable and dismissed accordingly alongwith pending application.

Judge

Judge

Asif