

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

Present:

Mr. Justice Khadim Hussain Tunio

Mr. Justice Zulfiqar Ali Sangi

C.P. No. D – 2361 of 2022.

Mr. Shahid Hussain Sahito Advocate for petitioner.

Mr. Allah Bachayo Soomro, Addl. A.G. Sindh.

Mr. Fayyaz Ahmed Leghari Advocate / HESCO files statement along with photostat copies of Electricity Consumption Charges Bills; taken on record.

Mr. Ashfaque Nabi Qazi, Assistant Attorney General for Pakistan.

Mr. Zaheer Abbass Advocate / Law Officer, ECP.

Date of hearing 06.07.2022.

Date of decision 06.07.2022.

ORDER

ZULFIQAR ALI SANGI, J.- Through this petition the petitioner has challenged the acceptance of nomination papers of respondent No. 6 by the returning officer on the ground that respondent No. 6 is a defaulter of HESCO therefore his nomination form may be rejected. The petitioner was confronted with the legal position as to whether he filed an objection before the returning officer or filed any election appeal before the Election Appellate Authority as required under section 18 (5) of the Sindh Local Government (Election) Rules 2015 to which he denied and submit that he came to know about such default after the nomination form was accepted. The remedy for challenging the order of the returning officer was available to the petitioner under section 18 (5) of the Sindh Local Government (Election) Rules 2015, which he has failed to exhaust. Even otherwise, the election process in respect of nomination forms has been completed and the Election Tribunals also stand dysfunctional after the cut-off dates notified by the Election Commission of Pakistan under the Notification dated 10th June 2022. In view of such a position, this Petition being misconceived is hereby dismissed.

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