

ORDER SHEET
**HIGH COURT OF SINDH CIRCUIT COURT,
HYDERABAD**
C.P No.D-114 of 2024

DATE	ORDER WITH SIGNATURE OF JUDGE
1.	For orders on M.A No.719/2024
2.	For orders on office objection(s)
3.	For orders on M.A No.720/2024
4.	For orders on M.A No.721/2024
5.	For hearing of main case
<u>23.01.2024</u>	

Mr. Abrar Raza Ghumro, advocate for petitioner

1. Urgency is granted.

2to5. The petitioner has challenged the change in Polling Station(s). Perusal of record shows that petitioner alongwith two other persons had filed objections before District Returning Officer with regard to change of Polling Station No.487 and 488 of NA-213 District Umerkot on the ground that said polling stations lack basic facilities hence the polling stations as were in General Elections of 2018 may be retained, however, the District Returning Officer finalized the proposed polling stations and published the final list in official Gazette vide Notification bearing No.204/2024 dated 17.01.2024. The petitioner has now approached this Court, however, the other two objectors have not come forward, which prima facie establish that they are satisfied with final list of polling stations.

Irrespective to the above, we have gone through the provisions of Election Act, 2017. Section 59(10) of the Act ibid provides that a polling station shall be situated in any Government building in the constituency and where no Government building is available, a polling station may be established in a building owned by a private educational Institution registered with the concerned education authorities or an improvised polling station shall be set up on a public property. We have also perused the list of polling stations, available at page-19 to 23 of the Court file, and found that the polling stations in question bearing No.487 and 488 have been established in Government Primary School Shagan Kachi (Female and Male respectively), as such the argument of learned counsel that said polling stations lack basic facilities is not sustainable under the law.

Perusal of record further shows that list of polling stations has been finalized and published in official Gazette; and Section 59(8) of the Act ibid provides that District Returning Officer shall not make any change in the final list of polling stations published in the official Gazette, except in very exceptional circumstances which too with the prior approval of the Election Commission and

after notice to the candidates, however, according to material available on record, we see no exceptional circumstance in present case, which may call for interference by this Court.

While going ahead we find that though, as mentioned above, the polling stations in question have been established in Government School as required under the law, however, during course of arguments learned counsel has alleged that the said polling stations are under direct control of opposite candidate, whereas Section 59(12) of the Act *ibid* empowers the Election Commission to take appropriate security measures and direct any Government to install a surveillance camera in each polling booth of a sensitive polling station for the purpose of recording poll proceedings, counting of vote process and preparation of results by the Presiding Officer, as such arguments of learned counsel that polling stations have been established in violation of Section 59(11) of the Act is also not sustainable.

In view of the above discussion, we find the present petition meritless and not maintainable. Accordingly same stands dismissed in limine alongwith listed applications.

JUDGE

JUDGE

Sajjad Ali Jessar