

Order Sheet
IN THE HIGH COURT OF SINDH CIRCUIT COURT
HYDERABAD

C.P No.D-985 of 2023

DATE	ORDER WITH SIGNATURE OF JUDGE(s)
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18.7.2023

Mr. Muhammad Yousuf Laghari, Advocate for the Petitioners.

Mr. Allah Bachayo Soomro, Additional Advocate General, Sindh
a/w Naheed Ahmed Asst. Commission / R.O M.C Sanghar.

Mr. Zaheer Abbas, Law Officer, Election Commission of Pakistan.

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ARBAB ALI HAKRO, J.- Through this Petition under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973, the petitioners have challenged the Order dated 13.6.2023 and 11.6.2023, passed by respondents No.1 and 4, respectively.

2. The Law Officer presenting the Election Commission of Pakistan in Hyderabad has presented Notification No. F3(6)/2023-LGE-S dated 23.6.2023, wherein all the District and Sessions Judges in the Province of Sindh have been designated to serve as Election Tribunals in their respective Districts for trial and disposal of election petitions pertaining to the elections of reserved seats in all local councils of Sindh Province and all subsequent bye-elections. The above Notification also empowered all the District & Sessions Judges of Sindh province to act as Election Tribunals in their respective Districts for trial and disposal of elections petitions arising out of the elections to the seats of heads of local councils, i.e. Mayors and Deputy Mayors, chairman and Vice-Chairman in Municipal Corporations, Town Municipal Corporations, Municipal Committees, Town Committees and District Councils and all subsequent bye-elections.

3. Upon receipt of the Notification as mentioned above, the counsel representing the Petitioners was put on notice to satisfy this Court regarding the maintainability of this Petition as well as the jurisdiction of this Court. In response, he requests that the Petitioners be granted permission to file an Election Petition before the Election Tribunal constituted via the Notification mentioned above.

4. Considering the circumstances presented above, we are of the view that the Election Tribunals, having been constituted with the specific mandate of adjudicating all election disputes pertaining to the reserved seats in all local councils of Sindh Province, as well as subsequent bye-elections and the seats of Mayors and Deputy Mayors, Chairman and Vice-Chairman in Municipal Corporations, Town Municipal Corporations, Municipal Committees, Town Committees and District Councils, hold exclusive jurisdiction in this matter. Hence, it is our view that this Petition has proven to be fruitless. Consequently, without delving into the substance of the matter, the Petitioners have the opportunity to raise all the issues outlined in the present Petition before an Election Tribunal established explicitly for this purpose.

This petition and listed applications, if any, stand disposed of.

JUDGE

JUDGE

Hafiz Fahad