

Order Sheet
IN THE HIGH COURT OF SINDH CIRCUIT COURT HYDERABAD

C.P No.D-971 of 2023

| DATE | ORDER WITH SIGNATURE OF JUDGE(s) |
|-------------|---|
|-------------|---|

18.7.2023

Mr. Ishrat Ali Lohar, Advocate for the Petitioners.

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

===

ARBAB ALI HAKRO, J.- The petitioners have filed this petition under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, in pursuit of the following remedies: -

- a) That this Court may very graciously be pleased to direct official respondents to retrain the respondents No.8 to 12 from taking oath for reserved seat of UC-30 Harho Tharparkar.
- b) That, this Court may kindly be pleased to direct the official respondents to suspend the candidacy of the private respondents from their respective seats/position till the final adjudication of instant petition.
- c) That, this Court may very graciously be pleased to declare the candidacy of the private respondents as null and void as the same is in contravention with the Sindh Local Government Act, 2013 and other enabling election law.

2. The Law Officer presenting 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 Tribunal 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 aforementioned Notification, the counsel representing the Petitioners was put on notice to satisfy this Court regarding the maintainability of this Petition as well as jurisdiction of this Court. In response, he candidly requests that the Petitioners may be granted permission to file an Election Petition before the Election Tribunal constituted via the aforementioned Notification.

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 to 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, we assert that the Petitioners have the opportunity to raise all the issues outlined in the present petition before an Election Tribunal specifically established for this purpose.

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

JUDGE

JUDGE

Hafiz Fahad