

ORDER-SHEET  
IN THE HIGH COURT OF SINDH, CIRCUIT COURT LARKANA  
Constt. Petition No. D- 1140 of 2015.

Date of hearing	Order with signature of Judge
22.10.2015.	

Qazi Sajid Ali M. Qureshi, Advocate for petitioner.  
Mr. Abdul Hamid Bhurgri, Addl. A.G.  
Mr. Mushtaq Ahmed Korejo, Standing Counsel.

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Through instant petition, petitioner has prayed as under:

- (a) To direct the respondents, especially the respondent No.3/ Returning Officer and respondent No.4/ District Returning Officer to make necessary corrections and issue fresh final list of constituency of Deh No.5 Mastoi, thereby showing the Census Block Code No.319010209 in Ward No.4, Kario Oha instead of Ward No.1 of U.C Sher Khan Mastoi, so as to avoid any complication in the conduct of election process.
- (b) To direct the respondents to show the Census Block Code No.319010203 in Ward No.3 instead of Ward No.4 of Kario Oha and he be declared successful as "unopposed" from said Ward No.3 of U.C Hyder Detho.

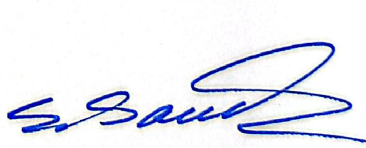
The facts, describing necessary back-ground, are that petitioner filed his nomination form for General Councilor from Kario Oha, Ward No.4, falling for Census Block Code No.319010209 in U.C Mastoi, Taluka Sijawal Junejo, District Kamber-Shahdadt. Similarly, one Qaisar Khan Tunio is also contesting the election for same position from Block No.3, falling for Census Block Code No.319010203 of UC Hyder Detho, of same Taluka, who has been declared successful as "unopposed". Grievance of the petitioner is that under new setup of U.Cs, four wards have been established in Deh No.5 Mastoi of Taluka Sijawal Junejo in which six U.Cs have been inserted/created. Due to computer mistake the newly established Census Block Code No.319010209 has not been shown in Ward No.4 of Kario Oha, but mistakenly the same has been shown in Ward No.1, of U.C Sher Khan Mastoi instead of Ward No.4 of Kario Oha.



Learned counsel for petitioner contended that union council of petitioner is actually situated in Ward No.4 of Kario Oha and his vote is also registered there but the respondents have mistakenly shown the name and entry of petitioner in Ward No.1 in U.C Sher Khan Mastoi, therefore, it is difficult rather impossible for petitioner to contest the election for the above mentioned seat in the said constituency.

Before proceeding further, it is material to mention here that delimitation process continued upto July, 2015; electoral process continued upto 28<sup>th</sup> August, 2015 and since none has come forward to object, therefore, the plea of bonafide mistake cannot be brushed aside as a whole. Continuity of electoral process, causing continuous changes without active notice/ knowledge, be not taken as 'penal' when otherwise bonafide appears on part of victim. The AAG and Standing Counsel, when confronted with this aspect, conceded to it.

In view of specific plea, fitting in peculiar circumstances of instant petition was accepted by short order dated 22.10.2015; these are the reasons for the same.

  
Judge

- ① For order on M.A-6605/15(L/A)  
② For order on M.A-6606/15(L/A)