

ORDER SHEET  
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA.  
Constitutional Petition No.. D- 515 of 2022.

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Date \_\_\_\_\_ Order with signature of Hon'ble Judge \_\_\_\_\_

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1. For orders on office objection as flag A.
2. For hearing of main case.

Mr. Athar Abbas Solangi, advocate for the petitioners.

Mr. Muhammad Ali Memon, advocate for respondent No.6.

Mr. Abdul Hamid Bhurgri, Addl. A.G

Ms. Leela @ Kalpana Devi, Addl. A.G

Mr. Muhammad Imran Abbasi, Ass't. Attorney General.

Mr. Muhammad Hanif, District Election Officer/Returning Officer.

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This constitutional petition has been filed in respect of Sindh Local Government Elections 2022 wherein the petitioners have impugned the order of the learned Appellate Forum which had upheld the order of Returning Officer whereby the nomination papers of the petitioners for the Election of Local Council as Chairman and Vice Chairman respectively in respect of Union Council No.5 Sultan Kot District Shikarpur, were rejected.

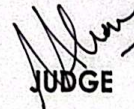
The petitioners contend that respondent No.6 had objected to the nomination papers of the petitioners on the ground that petitioner No.1 had failed to disclose his movable and immovable assets whereas petitioner No.2 failed to disclose his immovable assets. The Returning Officer as such dis-allowed the nomination of the petitioners which was agitated before learned Appellate Forum on the ground that nomination papers could not be rejected and the opportunity of rectification was not provided. The Appellate Forum however upheld the impugned order therein on the same ground.

11/11/22

Learned counsel for the petitioners has relied upon element of opportunity not provided for rectification whereas learned counsel for the respondents have supported the impugned orders.

We have heard learned counsel and gone through the record. Apparently the disqualification alleged against the petitioners is not found in Section 36 of the Sindh Local Government Act 2013 and the provisions of Section 71 in respect of Pupils Act 1976 as provided therein said to have been repealed. The requirement of filing declaration of assets under Section 23 of the Sindh Local Government Act 2013 being required at the post election stage for successful candidates. However, the petitioners are required to submit before Returning Officer the correct statement of their assets in the matter.

The record showing that opportunity of rectification not having been provided, this petition was allowed by short order dated 08.6.2022, for which forgiven are the reasons thereof.

  
JUDGE

  
JUDGE

shabir