

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

C.P. No. D – 3629 of 2018

Dated _____ Order with signature of Judge _____

Priority:

1. For hearing of Misc. No. 16669/2018
2. For hearing of Main Case.

05.06.2018

Mr. Zohaib Zulfiqar, Advocate for petitioner.

Shaikh Liaquat Hussain, DAG.

Mr. Abdullah Hanjrah, Law Officer, ECP a/w Mr. Sain Bux Channer, Director, HQ, Syed Nadeem Haider, REC Shaheed Benazirabad, Mr. Imtiaz Ahmed Kalhoro, DEC Hyderabad, Mr. Muhammad Yousuf, DEC Central, Mr. Zaheer Ahmed Setho, DEC Kashmore.

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The petitioner is stated to be a resident of Village Maula Bux Brohi, Tapedari Circle Kotjangu, District Jacobabad. Learned counsel for petitioner argued that the petitioner was satisfied to the preliminary delimitation, however several representations were filed before the Election Commission of Pakistan against the preliminary delimitation of District Jacobabad. Election Commission of Pakistan after hearing excluded Tapedari Circle Kotjangu, District Jacobabad having population of 12,919 from PS-1 and included in PS-2, Jacobabad.

Under Section 21 of Elections Act, 2017 the Commission invites representation in respect of preliminary report within a period of 30 days from the date of publication and voter of constituency within the period may make representation to the Commission in respect of delimitation of that constituency proposed in the preliminary report. It is further provided in the same Section that Commission after hearing and considering the representation may make such alterations and modifications in the preliminary list published.

Rule 12 of Election Rules, 2017 also provides the remedy to file representation against the preliminary proposals. The petitioner has challenged the order dated 27.04.2018 without making party to the persons filed representations before the Election Commission of Pakistan. The impugned order shows that the order was passed after examining the map produced by the petitioner and Member of Delimitation Committee and in order to review the ground realities the commission reached to the conclusion that the objections raised by the petitioner in the representation were correct. Secondly, after passing the order for making such changes in the boundaries, the final delimitation was notified but no representation was filed by the present petitioner to the election commission for challenging the final notification.

Since the petitioner has failed to avail the proper and appropriate remedy provided under the law, this petition is not maintainable and dismissed accordingly.

JUDGE

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