

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C.P. No.D-3848, 3872 & 4007 of 2018

Date	Order with signature of Judge
------	-------------------------------

Present

**Mr. Justice Muhammad Ali Mazhar.
Mr. Justice Omar Siyal.**

12.06.2018

Mr. Sheeraz Shaukat Rajpar advocate for the petitioner in C.P. No.D-3872/2018.

Mr. Mohammad Ashraf Sammoo advocate for the petitioner in C.P. No.D-4007/2018.

Mr. Hamid Ali Memon advocate holding brief for Mr. Mohsin Shahwani advocate for the petitioner in C.P. No.D-3848/2018.

Ms. Mamoonah Nasreen advocate for the Election Commission of Pakistan.

Mr. Shaikh Liaquat Hussain, DAG.

Ms. Rukhsana Mehnaz Durrani, State Counsel.

Mr. Abdullah Hanjra, Law Officer, Election Commission a/w. Nadeem Haider, Regional Election Commissioner, Shaheed Benazirabad, Imtiaz Ahmed Kalhoro, District Election Commissioner, Hyderabad, Zaheer Ahmed Sehto, District Election Commissioner, Kashmore/Member Delimitation Committee and Muhammad Yousuf, District Election Commissioner, Karachi Central.

Muhammad Ali Mazhar.J;- The basic issue in the aforesaid petitions for which the petitioners have approached this court is that in P.S. 29 Khairpur-IV the half portion of Taluka Nara has been merged into Taluka Faiz Ganj. The bone of contention is that the half portion of Taluka Nara which has been merged with Taluka Mirwah P.S. 28, a road is leading to the Taluka Nara but on merging the half portion in P.S. 29 there is no road from Taluka Faiz Ganj to Nara. They further argued that the half portion of Taluka Nara is at least 180 kilo meter away from Taluka Faiz Ganj and without any proper road and facility

of communication, it was a futile exercise to merge this portion with Taluka Faiz Ganj. They also referred to Section 20 of the Elections Act, 2017 wherein principles of the delimitations are provided which unequivocally stipulate that as far as practicable the constituencies be delimited having regard to the distribution of population in geographically compact areas, physical features, existing boundaries of administrative units, facilities of communication and public convenience and other cognate factors to ensure homogeneity in the creation of constituencies. According to learned counsel due to non availability of road and public convenience, no purpose could be achieved.

Zaheer Ahmed Sehto, District Election Commissioner, Kashmore/Member Delimitation Committee submits that the Delimitation Committee has not physically verified as to whether any road is leading from Taluka Faiz Ganj to Nara district. He further submits that this fact was also intimated to the Member of the Election Commission at the time of hearing the delimitation issues. The counsel for the interveners has opposed the petition and submits that there is a road from Fiaz Ganj to Nara, whereas, the petitioners still insist that there is no road.

In order to settle down this controversy, we feel it appropriate to issue directions to the Convener, Delimitation Committee to physically examine as to whether there is any road for the purpose of public convenience and communication from Faiz Ganj to half portion of Nara included in PS 29. The

Convener, Delimitation Committee shall inspect the area in presence of the District Election Commissioner, Khairpur and submit the report to the Election Commission, thereafter, Election Commission may pass necessary orders in accordance with law. The petitions are disposed of accordingly.

JUDGE

JUDGE

Aadil Arab

