

ORDER SHEET
HIGH COURT OF SINDH, KARACHI

C.P. No.D-4382 of 2018

Date	Order with signature of Judge
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Present

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

Muhammad Sohail SamlaPetitioner

Versus

Delimitation Committee Sindh & others.....Respondents

Date of hearing 12.06.2018

Mr. Noor Ahmed Malik, Advocate for the petitioner.

Ms. Memoona Nasreen, Legal Advisor, ECP.

Mr. Shaikh Liaquat Hussain, DAG.

Ms. Rukhsana Durrani, State Counsel.

Mr. Abdullah Hanjra, Law Officer, Election Commission of Pakistan.

Mr. Zaheer Ahmed Sehto, District Election Commissioner, Kashmore.

Muhammad Ali Mazhar, J: This petition has been brought to challenge the delimitation conducted by the Delimitation Committee, Sindh for Provincial Assembly P.S-105 and P.S-106, Karachi. The petitioner has prayed as follows:-

- “a). That this Hon’ble Court may be pleased to cancel the delimitation of PS-105 Karachi East-VII Ferozabad Sub-Division and PS 106 Karachi East-VIII Jamshed Quarters Sub-Division.
- b). That this Hon’ble Court may be pleased to cancel the division of ward No.1 viz census charge Nos. 6 & 8 of Union Council No.14-East, Fatima Jinnah Colony, Jamshed Quarters, Karachi.

- c). That this Hon'ble Court may be pleased to direct the respondents to form/make/outline the new delimitation and include the census charge No.7 with charge No.6 in Jamshed Quarters Sub-Division of PS-106 Karachi East-VIII.
- d). Any other relief deem fit and proper under the circumstances of the case.”

2. To a question raised by this court to the learned counsel for the petitioner as to whether any representation was filed for proposing the changes as prayed for in this petition? Learned counsel frankly conceded that no representation was filed, however, after noticing the changes in the aforesaid constituencies, a letter was written by the petitioner to the Election Commission on 22.05.2018. The Law Officer, Election Commission of Pakistan stated that the preliminary determination was carried out and notified on 03.03.2018 and the delimitation was finalized on 05.05.2018. He further argued that if the petitioner was aggrieved he could have filed his proposal through representation. He further pointed out that vide order dated 28.04.2018 the Election Commission of Pakistan decided eleven (11) representations, some of them were pertaining to the PS-105 and PS-106 constituencies. After hearing representations of various person, the delimitation of PS-105 and PS-106 was finalized by the Election Commission of Pakistan in accordance with law.

3. It is an admitted fact that no representation was filed by the petitioner. It is also reflecting from the order produced by the Law Officer of the Election Commission that for the same constituencies various representations were filed and decided

by the Election Commission vide order dated 28.04.2018. The proposed changes cannot be accepted without first being placed before the Election Commission but the petitioner failed to approach the Election Commission at the right time. The disputed question of facts which were not placed before the Election Commission of Pakistan on right time cannot be revisited and apprised by the court at this stage. We do not find any merits in the petition which was dismissed in limine vide our short order dated 12.06.2018. Above are the reasons for our short order.

Karachi.

Dated: 13.06.2018

JUDGE

JUDGE

Aadil Arab