

**ORDER SHEET**  
**HIGH COURT OF SINDH, KARACHI**

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C.P. No.D-4133 of 2018

<b>Date</b>	<b>Order with signature of Judge</b>
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**Present**

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

Jam Nafeez Ali Khan .....Petitioner

Versus

Election Commission of Pakistan & others.....Respondents

**Date of hearing 22.06.2018**

Mr. Zaman Kalwar advocate holding brief for Mr. Rafiq Ahmed Kalwar advocate for the petitioner.

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

Mr. Shaikh Liaqat Hussain, DAG.

Ms. Rukhsana Mehnaz Durrani, State Counsel.

Mr. Abdullah Hanjra, Law Officer, Election Commission a/w. Sain Bux Channer, Director (H.Q), Intiaz Ahmed Kalhoro, District Election Commissioner, Hyderabad, Zaheer Ahmed Sehto, District Election Commissioner, Kashmore/Member Delimitation Committee..

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**Muhammad Ali Mazhar, J:** On 12.06.2018 learned counsel for the petitioner requested for time to file copy of representation along with statement as during course of his arguments a question was raised whether the prayer made for modifying the delimitation in this petition was ever made to the Election Commission of Pakistan or not? In order to apprise this fact, statement has been submitted along with copy of representation which had been filed by the petitioner before the ECP regarding delimitation of constituencies-2018

district Sanghar. The concluding paragraph of representation is reproduced as under:-

**“In the light of the above, it is most humbly prayed that the Hon’ble Election Commission of Pakistan may kindly be pleased to recall the proposed delimitation of the relevant area and create the constituencies in terms of map attached, according to which the proposed constituency may be as follows:-**

- a) **Taluka Tando Adam i.e. P.S 44 may be moved with Jam Nawaz Ali i.e. P.S 43 that will constitute NA-216.**
- b) **Taluka Khipro i.e. may be shifted to Sanghar-I i.e. P.S 41 to constitute NA-215.**
- c) **Shahdadpur Taluka i.e. P.S 45 may be moved with Sinjhor Taluka i.e. P.S 46 to constitute NA-217.**
- d) **Area of whole PS-24 may be shifted back to Sanghar I;**
- e) **any other order deems fit may be passed in the interest of justice”.**

2. Whereas the prayer made in this petition by same petitioner is reproduced as under:-

- “(i) Direct the Respondent No.1 to include the Subject Tapedar Circles i.e. Bahram Bari & Sadhno in NA-215 Sanghar-I and in exchange include Tapedar Circle Rukan Burira of STC Jhol, Taluka Sinjhor in NA-216 Sanghar-II.**
- (ii) Grant ad interim relief by suspending the operation of the Final List of National Assembly Constituencies on Form-7 in respect of District Sanghar.**
- (iii). Grant Costs.**
- (iv). Grant any further or better relief that this Hon’ble Court may deem just and proper in the facts and circumstances of the case.”**

3. The Law Officer of the ECP argued that the copy of representation filed by the learned counsel for the petitioner unequivocally shows that the proposal submitted in this petition was never placed before the ECP for their consideration and through this petition the petitioner wants fresh delimitation by inclusion and exclusion of some areas in NA-215 Sanghar-I and NA-216 Sanghar-II without applying ECP for his particular proposal.

4. We have also examined the prayer clause made in the representation and in this petition. It is quite obvious that the proposal given in this petition was never proposed to the ECP. The purpose of providing an opportunity under the Elections Act, 2017 and Election Rules, 2017 for filing proposal before the ECP by any voter of the constituency to give evenhanded opportunity to place proposal for the acceptance and or rejection by the ECP after due consideration. Obviously in this case, the proposal was not placed before the ECP at the appropriate time hence at this belated stage we cannot revisit it afresh while exercising constitutional jurisdiction and cannot upset the entire exercise of delimitation.

4. As a result of above discussion, this petition is dismissed in limine.

JUDGE

JUDGE

Aadil Arab