

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

C.P. No.D-2889 of 2019

DATE	ORDER WITH SIGNATURE OF JUDGE(S)
------	----------------------------------

Present:

Mr. Justice Muhammad Ali Mazhar
Mr. Justice Agha Faisal

Ayaz Memon.....Petitioner

Versus

Provincial Election Commission & Others.....Respondents

1. For order on CMA No.12696/2019.
2. For order on CMA No.12697/2019.
3. For order on CMA No.12698/2019.
4. For hearing of main case.

29.04.2019

Mr. Tahir Rahim, advocate for the petitioner.

Muhammad Ali Mazhar, J.: It is, *inter alia*, contended that in local body elections conducted in November, 2015 in the province of Sindh, the petitioner was declared returned candidate by the respondent Nos.1 & 2 and later on he was elected as Chairman Town Committee Mirpur Bathoro, District Sujawal. Through the instant petition, the petitioner has approached for declaration that no confidence motion moved by respondent Nos.3 & 5 is illegal and with ulterior motives of the respondent Nos. 6 to 12. He has further made request to suspend the notice of no confidence motion dated 09.04.2019.

2. Chapter IV of the Sindh Local Government Act, 2013 germane to members and the office bearers of the council, whereas under Section 27 a procedure has been laid down for the

vote of no confidence motion against office bearers which includes Mayor, Deputy Mayor, Chairman or Vice-Chairman, who may be removed from office if a vote of no confidence is passed against him or her in the prescribed manner by two-third majority of the total number of the Members of the Council concerned. An explanation has also been added which postulates that a motion of no confidence shall be deemed to have failed if at the meeting to consider the motion it did not secure the requisite majority of votes in its favour or was not moved for want of quorum or for any other reason. Under sub-section (2) it is also provided that no person against whom a vote of no confidence has been passed shall be eligible for re-election as a Mayor, Deputy Mayor, Chairman or Vice-Chairman, as the case may be, during the residue of the term of the council concerned.

3. Admittedly for the purpose of dealing the vote of no confidence a detailed mechanism is provided in Sindh Local Government Act, 2013, which needs 2/3rd majority to be secured. The learned counsel has failed to satisfy this court on maintainability of this petition as to how under Article 199 of the Constitution a no confidence motion can be suspended for which a proper mechanism has already been provided under the law. The petition is dismissed in limine.

JUDGE

JUDGE

