

IN THE HIGH COURT OF SINDH AT KARACHI

Present:

Mr. Justice Muhammad Junaid Ghaffar

Mr. Justice Agha Faisal

CP D 5308 of 2020 : Muhammad Shahid Rashid & Others vs.
Province of Sindh & Others

For the Petitioner : Mr. M. Luqman-ul-Haq, Advocate

Date/s of hearing : 10.11.2020

Date of announcement : 10.11.2020

JUDGMENT

Agha Faisal, J. Through this petition, the petitioner has claimed the following relief:

- (a) declare the Nazir's act of denying inalienable right of the petitioners to stand for society's election and vote therein is illegal;
- (b) Declare that the election conducted by Nazir, knowingly and intentionally keeping the petitioners out of the process is ab initio void and of no legal effect;
- (c) Declare that the election result as void and of no legal Effect;
- (d) Direct the Nazir of this Hon'ble court to prepare fresh members list duly authenticated and verified by respondent No.3 and include the name of petitioners therein;
- (e) Any other or additional relief(s) which may be deemed fit and proper in the circumstances of case.

2. It was observed that at the very onset that the electoral process impugned had already concluded on 20.09.2020 and the result thereof had also been announced on 21.09.2020. The petitioner claimed to have been aggrieved in respect of his omission from the electoral list and it was stated that such grievance was escalated before the learned Nazir on 25.08.2020.

3. Notwithstanding the forgoing, the present petition was instituted almost a month after the announcement of the result, hence, the petitioner's counsel was asked to satisfy the court as to how the grievance could be entertained at such a belated stage. Learned counsel submitted that it was the petitioner's inalienable right to participate in the elections of the society and that the entire electoral process should be set at naught in an effort to redress his grievance.

4. From a bare perusal of the documentation filed alongwith the petition, it is noted that the relevant election took place pursuant to order of the honorable Supreme Court in CP No.D-1462-K of 2018 and notice in such regard was issued on 19.08.2020. The petitioner claims to have been aggrieved by his non-inclusion in the voters' list and admittedly such grievance arose upon issuance of the list, which took place in August, 2020. The petitioner took no steps in amelioration of his grievance until October, 2020, when the election had already taken place and results had also been

announced. Learned counsel was unable to place any justification as to why he approached this court at such a belated staged or why he did not agitate his grievance in the very proceedings in which the elections were ordered to take place.

5. At this juncture, it is apparent that entire electoral process has been concluded and no case has been set forthwith before us as to why the entire process may be set to naught in order to address a belated grievance of the petitioner. Therefore, we find this petition to be devoid of merit, hence, it was dismissed vide our short order in court earlier this afternoon. These are the reasons for the aforementioned short order.

JUDGE

JUDGE

Hyder/PA