

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

C. P. No. D – 808 of 2021

Shahzado Dreho V. P.O. Sindh and others

Before:

Mr. Justice Muhammad Junaid Ghaffar

Mr. Justice Zulfiqar Ali Sangi

Date of Hearing: **10-11-2021**

Date of Decision: **10-11-2021**

Mr. Shahzado Dreho, Advocate / Petitioner present in person.

ORDER

Muhammad Junaid Ghaffar, J. – Through this Petition, the Petitioner has sought declaration that the Respondent No.5 was not eligible to contest the Election of High Court Bar Association, Sukkur; hence same be declared as null and void.

2. At the very outset, the Petitioner was confronted as to the maintainability of this Petition and was asked to satisfy the office objection as well as order dated 20.10.2021, and in fact, in view of such position, he was also given a chance to withdraw this Petition; however, he has refused to do so. According to him, notwithstanding filing of an Appeal before the Respondent No.2, this Petition is maintainable and declaration be given as prayed for.

3. We have heard the Petitioner and perused the record.

4. Insofar as facts are concerned, admittedly the Petitioner being aggrieved with the candidature and election of Respondent No.5 as Member Managing Committee in the Elections of High Court Bar Association, Sukkur, has already availed alternate remedy by filing Election Appeal before the Chairman, Executive Committee Sindh Bar Council at Karachi (Respondent No.2) and at the same time he has also filed instant Petition the seeking same prayer and has also joined Sindh Bar Council and High Court Bar Association as Respondents. This Petition is misconceived and is not maintainable on two grounds. Firstly, since the Petitioner has himself availed alternate remedy by way of an Election Appeal, then at the same time he cannot invoke this constitutional

jurisdiction and seek the same relief, for which he has already availed alternate remedy before Sindh Bar Council. Secondly, even otherwise, no writ is maintainable against a Provincial Bar Council or High Court Bar Association in view of the pronouncements of the Hon'ble Supreme Court in cases reported as *Mirza Muhammad Nazakat Baig v. Federation of Pakistan and others* **(2020 SCMR 631)** and *Syed Iqbal Hussain Shah Gillani v. Pakistan Bar Council and others* **(2021 SCMR 425)**.

5. In view of hereinabove facts and circumstances of this case, since the Petitioner had refused to take option of withdrawing this Petition and to pursue alternate remedy already availed, we had dismissed this petition with cost of Rs.5000/- (Five Thousand) to be deposited in the account of High Court Bar Library, in the earlier part of the day and these are the reasons thereof.

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