

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

CP D 2718 of 2022

Date	Order with signature of Judge(s)
------	----------------------------------

24.05.2022

Mr. Merajuddin, Advocate for the Petitioner
Barrister Sandeep Malani (Assistant Advocate General Sindh)
Mr. Abdullah Hanjrah (Law Officer-ECP)

The petitioner¹ has assailed the notification dated 13.04.2022 (“Impugned Notification”), issued *inter alia* pursuant to Article 140A of the Constitution for holding of local bodies elections, and seeks for the same to be struck down.

Per petitioner’s learned counsel, the Impugned Notification was issued without lawful authority and was in contravention of judgments of the august Supreme Court. Learned Assistant Advocate General and the law officer for the Election Commission of Pakistan (“ECP”) disagreed and sought to demonstrate that the Impugned Notification was in due consonance with the law and no interference was merited therewith.

Heard and perused. We had asked the petitioner’s learned counsel at the very onset to demonstrate as to how the Impugned Notification had been issued without jurisdiction and further to identify the ratio / directive, of any Supreme Court judgment, that had been infringed. Learned counsel remained unable to provide any sustainable response.

Per the law officer of the ECP and the learned AAG, the Impugned Notification has been issued by the ECP under all the enabling provisions of the law and the schedule cited therein has been determined in unison with the provincial Government².

The recent Apex Court judgment in the *MQM case*³ reiterated the importance of an elected local government and deprecated the exercise of its powers / functions by a provincial government⁴. Entertaining the petitioner’s prayer would *prima facie*, and unjustifiably, shelve the entire electoral process, intended to devolve the political, administrative and financial responsibility and authority upon the elected representatives of a local government.

In view hereof, this petition is found to be devoid of any demonstrable merit and no case for invocation of the discretionary⁵ writ jurisdiction is made out before us, hence, the same is hereby dismissed, along with all pending applications.

Judge

Judge

¹ Being the petitioner no. 2 in the petition as the petitioner no. 1’s name in the title was struck out by the learned counsel in red ink.

² Minutes of a meeting of the Provincial Government with the ECP dated 10.03.2022 was also placed on record.

³ *MQM (Pakistan) & Others vs. Pakistan & Others (CP 24 of 2017)*; judgment dated 01.02.2022.

⁴ Paragraph 46(vi) of the judgment in the *MQM case*.

⁵ Per Ijaz Ul Ahsan J. in *Syed Iqbal Hussain Shah Gillani vs. PBC & Others* reported as 2021 SCMR 425; *Muhammad Fiaz Khan vs. Ajmer Khan & Another* reported as 2010 SCMR 105.