

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

Present:

Mr. Justice Muhammad Iqbal Kalhoro J.
Mr. Justice Agha Faisal J.

C.P.No.D-1843 of 2022
C.P.No.D-2107 of 2022
C.P.No.D-2367 of 2022
C.P.No.D-2470 of 2022
C.P.No.D-2482 of 2022
C.P.No.D-2953 of 2022
C.P.No.D-3214 of 2022
C.P.No.D-3215 of 2022
C.P.No.D-3216 of 2022

Kamran Nawaz & others
Khawaja Muhammad
Dad Muhammad Kalmati Baloch
Nazir Ahmed
Muhammad Rafique & others
Abdul Rehman Chang
Khuda Dino Shah
Muhammad Rafique al Hussaini
Abid & another

Vs.

Election Commission of Pakistan & others
Peeral

C.P.No.D-2510 of 2022
C.P.No.D-2511 of 2022
C.P.No.D-2512 of 2022

Allah Dino Babar
Rajib Ali Khaskheli

Vs.

Delimitation Authority Thatta & others

For Petitioners:

Barrister Mustafa Mahesar, Advocate.
Barister Inayat Ali Malkani, Advocate
Mr. Aamir Nazir Shaikh, Advocate
Mr. Sanaullah Soomro Advocate.
Mr. Abdul Rasheed Rajar, Advocate.
Mr. Irshad Ali Shar, advocate.
Mr. Usman Farooq, Advocate.
Mr. Faheem Toor, advocate.
Mr. Manzar Bashir, Advocate.
Mr. Sikander zul qarnain, Advocate.

For Respondents:

Mr. Irfan Ahmed Memon DAG.
Mr. Zeeshan Adhi, Addl. A.G.
Mr. Allah Dino, Advocate for intervener.
Mr. Iqtidar Rasool Behrani, Mukhtiarkar Thatta, respondent on behalf of
Deputy Commissioner Thatta.
M/s Abdullah Hanjra, Senior Law officer, Sarmad Sarwar Law Officer
and Muhammad Ashraf Election Officer Thatta on behalf of District
Election Officer, Thatta.

31.05.2022

ORDER

MUHAMMAD IQBAL KALHORO J: By consent these petitions are decided in the terms set out by a Division Bench of this Court at Sukkur Bench in para No.21 of judgment dated 26.05.2022 passed in identical petitions bearing C.P.No.D-328 of 2022 re-Zulfiqar Ali Malik Vs. Election Commission of Pakistan & others which for ready reference and convenience is reproduced herein below:-

”21. Be that as it may, since apparently, all the impugned orders do not attend to the objections of the Petitioners in a meaningful manner by assigning proper reasons as to the factual as well as legal proposition raised by them, whereas, they are also well short of requirements of a reasoned order in terms of Section 24A of the General Clauses Act, 1897, we are of the view it would be appropriate that the Delimitation Authority shall pass orders afresh; hence, all these Petitions are allowed / disposed of in the following terms:

- (i) The impugned orders passed by the Delimitation Authority in all these Petitions are hereby set aside.
- (ii) The Delimitation Authority shall take up the objections of the Petitioners (already filed before it) and after giving them opportunity of presenting their case, pass appropriate reasoned orders after attending to the factual as well legal provisions as referred to by them hereinabove and shall also comply with Section 24A of the General Clauses Act, 1897, while passing such orders.
- (iii) In case of petitioners, whose objections are not before the Authority, then these Petitions of such Petitioners shall be deemed to be their objections and the same shall also be decided in view of Para (ii) above.
- (iv) Such exercise be carried out by the Delimitation Authority by or before 10.6.2022.
- (v) Any Petitioner, who is further aggrieved, may take recourse to remedy, if any, as may be available in law.
- (vi) The elections schedule already announced for 26.6.2022 and its conduct shall be dependent on the above exercise which is to be carried out by the Delimitation Authority, and if any of the Petitioners are successful, then they would have their right to contest elections accordingly, and if needed, the schedule of such elections shall be altered or modified, by accommodating such petitioners.”

Accordingly, these petitions are disposed of in the terms as stated above alongwith pending application (s).

Office to place a copy of this order in all connected petitions.

JUDGE

JUDGE