

ORDER SHEET
**HIGH COURT OF SINDH CIRCUIT COURT,
HYDERABAD**

C.P No.D-1210 of 2022

C.P No.D-1220 of 2022

Before:-

Mr. Justice Muhammad Shafi Siddiqui

Mr. Justice Irshad Ali Shah

Date of hearing & Order:

31.05.2022

None present for the petitioners

Mr. Muhammad Humayoon Khan DAG a/w Khurram Shahzad Additional Director General (Law) ECP, Saleemuddin Dal District Election Commissioner Tharparkar, Prem Chand Additional D.C Mirpurkhas, Roshan Ali Jatoi DEC Mirpurkhas, Masood A. Qureshi REC Mirpurkhas, Lutuf Ali Mastoi E.O Umerkot, Muhammad Saleem Shaikh AC Shujaabad, Muhammad Yousuf Majeedano DEC Hyderabad and Ali Abdullah Khalid REC Hyderabad

Mr. Habib-ur-Rehman, Law Officer NADRA

Mr. Rafique Ahmed Dahri, Assistant A.G Sindh

ORDER

This single order will decide the fate of both these petitions, as both involve common question.

2. These petitions primarily challenge delimitation of UC-37 & 38, Taluka Pithoro District Umerkot. Through Objection Petitions No.01 & 02 of 2022 the Delimitation Authority Mirpurkhas while considering the objections of the objectors passed the following order:

4. *Arguments heard, record perused, map has also been perused, The Deh Dhandi & Khuda Bux Mari cannot be shifted from UC-37 to UC-38 of Taluka Pithoro District Umerkot as it would be violation of Principles of Delimitation mentioned in Section 20 of Elections Act-2017 i.e. starting point is the North and also compactness ensured. As the Delimitation Committee has to start delimitation from the Northern end as per Sub-Rule 5 of Rule 10 of Elections Rules-2017.*

5. *The exclusion of said Deh from UC-37 shall be violation of Principles of Delimitation Act, 2017, which is reproduced below:*

“20. Principles of delimitation.---(1) All constituencies for general seats shall, as far as practicable, be delimited having regard to the distribution of population in geographically compact areas, physical features, existing boundaries of administrative units, facilities of

communication and public convenience and other cognate factors to ensure homogeneity in the creation of constituencies”.

6. *Keeping in view the aforementioned Principles of Delimitation, the request of the Petitioner cannot be accepted. The instant Petition is rejected. The copy of orders be sent to the Delimitation Committee immediately with the direction to incorporate the decision accordingly for publication in the final delimitation notification of District Umerkot. File after compilation be kept in safe custody.*

DECISION:

Rejected.

3. After considering the pros and cons of the objections of the objectors, in the light of reported case of ‘*Muhammad Ibrahim Jatoi versus Election Commission of Pakistan through Secretary and 2 others*’ (2019 C.L.C 1801) and ‘*Bahadur Ali and others versus Election Commission of Pakistan through Secretary and others*’ (P.L.D 2018 Sindh 636) the petitions were rejected and as such we do not find anything to interfere in the orders of Delimitation Authority and the petitions are also hit by the ratio of the judgment/order passed in the case of *Zulfiqar Ali Malik versus The Election Commission of Pakistan & Others* (C.P No.D-328 of 2022) by a Division Bench of this Court at Sukkur. Since reasons are available to which no exception could be made. Accordingly these petitions, being devoid of merits, are dismissed.

JUDGE

JUDGE

Sajjad Ali Jessar