

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

C.P. No.D-4160 of 2022

Date	Order with signature of Judge
------	-------------------------------

Present: **Muhammad Iqbal Kalhoro &
Mrs.Kausar Sultana Hussain, JJ.**

1. For hearing of CMA No.17825/2022.
2. For hearing of main case.

14.7.2022

Mr.Raham Ali Rind, Advocate for petitioner.
Mr.Zulfiqar Ali Langha, Advocate for respondents No.3
a/w Mr.A. Rashid Rajar, Advocate.
Mr.Irshad Ali, Asst. Attorney General.
Mr.Sanaullah Jokhio, Returning Officer.

Muhammad Iqbal Kalhoro, J:- Petitioner, himself a candidate for member Town Committee Gharo, Ward No.8 in the local bodies elections to be held on 24.7.2022, has questioned candidacy of respondents No.3 and 4 for the same seat on the ground that they are not resident of Ward No.8, hence ineligible to contest elections from the said Ward. To support his case, his Counsel has relied upon orders passed by the Division Benches of this Court at Hyderabad and Sukkur respectively in C.P. No.D-2202/2022 and C.P. No.D-3484/2022.

2. Learned Counsel for the respondents have objected to this petition and have referred to section37(2)(b) of Sindh Local Government Act, 2013 and state that there is no bar in law that a person who is otherwise resident of a particular Town Committee or Municipal Committee from contesting election from any ward of such Committee. Further, the petitioner did not file any objection to the candidacy of respondents before Returning Officer, nor filed any appeal in terms of section 225 of the Elections Act, 2017 before the

Appellate Tribunal/ District & Sessions Judge, Thatta against the decision of Returning Officer accepting the candidacy of respondents. Hence this petition calling for exercise of discretionary jurisdiction for such purpose is not maintainable.

3. We have heard the parties and perused the material available on record. Admittedly, the petitioner did not object to candidacy of respondents before Returning Officer, nor did file any appeal before the District & Sessions Judge working as Appellate Tribunal, against Returning Officer's decision, in terms of section 225 of the Election Act, 2017. Direct approach to the High Court under discretionary jurisdiction, in presence of an adequate remedy available to the petitioner in law, is not warranted in ordinary circumstances. Even otherwise, section 37(2)(b) is very clear on this point which lays down that a candidate contesting for membership of Town Committee or Municipal Committee may contest the election from any Ward of the respective Committee. Provided, the proposer and seconder shall be registered voters of the concerned Union Council or Ward, as the case may be. It is not disputed by the petitioner that respondents No.3 and 4 are the resident of Town Committee, Gharo and that the proposer and seconder are the residents of Ward No.8, which even otherwise has been confirmed by the Returning Officer present in Court. Therefore, their objection, belated and non-maintainable due to petitioner's failure to raise it before the proper forums as above, is not even sustainable on this legal plank. This being the position, we do not see any merit in this petition and dismiss it accordingly with no order as to costs.

4. The petition stands disposed of in above terms along with listed application.

JUDGE

JUDGE

Shakeel, PS.

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

C.P. No.D-2900 of 2022

Date	Order with signature of Judge
------	-------------------------------

1. For orders on office objection.
2. For hearing of CMA No.12761/2022.
3. For hearing of main case.

14.7.2022

Mr.Khawaja Shamsul Islam, Advocate for petitioner.
Mr.Abdul Jalil Zubedi, AAG.
Mr.Ali Haider Saleem, DPG.
DSP Raza Mian, PI Sajjad Ali and IO Asad Ali

With consent this petition is disposed of in terms of order dated 09.6.2022 whereby petitioner was granted bail in Crime No.103/2022 registered at PS B-Section, District Khairpur under Section 395, PPC and Section 7, ATA, 1997, which has been disposed of as "B" Class by the IO as per report submitted on the last date of hearing, so also the directions contained in previous orders to the effect that no FIR against the petitioner save with the permission of this Court be registered.

JUDGE

JUDGE

Shakeel, PS.

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

C.P. No.D-3893 of 2022

Date	Order with signature of Judge
------	-------------------------------

- | | |
|----|--------------------------------------|
| 1. | For orders on office objection No.1. |
| 2. | For hearing of CMA No.16974/2022. |
| 3. | For hearing of main case. |

14.7.2022

Mr.Muhammad Arif, Advocate for petitioners.
Mr.Abdul Jalil Zubedi, AAG.
SSP South Jarar, SHO PS Defence SI Zulfiqar Ali and
Insp. Ismatullah.

This is a petition filed against alleged harassment caused to the petitioners by the police officials at the instance of respondent No.6. Police officials are present, have filed the comments denying the allegations and stating that both parties have filed applications against each other with the SSP South which are being inquired into. They, however, undertake that no harassment would be caused to the petitioners. They would be dealt with according to law and action, if any, would be strictly taken as approved by the law. Learned Counsel for the petitioners is satisfied and the petition is disposed of in above terms.

JUDGE

JUDGE

Shakeel, PS.