

**IN THE HIGH COURT OF SINDH,
AT KARACHI**

Present:

Ahmed Ali M. Shaikh, CJ
Yousuf Ali Sayeed, J

C. P. No. D-219 of 2023

Petitioner : Pakistan Tehreek-e-Insaf through
Dr. Shahab Imam, Advocate

Date of hearing : 11.01.2023

ORDER

YOUSUF ALI SAYEED, J - The Petitioner, a political party, and has invoked the jurisdiction of this Court seeking to challenge the candidature of the Respondent No.6 in respect of the posts of Chairman UC-11 and Vice Chairman UC-12, Saddar Town, District South, Karachi in the second phase of the upcoming Local Government Elections set to be held in Karachi and Hyderabad Division of the Province, with the case turning on the assertion that said Respondent cannot contest the election as he is presently the Vice-Chairman of the Karachi Water and Sewerage Board.

However, nothing has been placed on record to indicate that any objection was filed before Returning Officer at the time of scrutiny of the Respondent's nomination papers and, in fact, on query posed learned counsel for the Petitioner conceded that no objection has been raised at the relevant stage, nor was any appeal preferred before the competent forum against acceptance of such nomination papers. Furthermore, it was also conceded that in the event of the Respondent prevailing in respect of either post, the appropriate remedy could be availed by way of a Petition before the Tribunal.

Under the given circumstances and where the election is to take place as imminently as 15.01.2023, we see no scope for interference at this stage in the exercise of the Constitutional jurisdiction of this Court. As such, while granting the application for urgency we hereby dismiss the Petition *in limine* along with the other pending miscellaneous applications.

JUDGE

CHIEF JUSTICE