

ORDERSHEET
**HIGHCOURTOFSINDHCIRCUITCOURT, HY
DERABAD**

C.PNo.D-2318of2022

DATE ORDERWITHSIGNATUREOFJUDGE

Mr.Haq Nawaz Talpur,advocateforpetitioner
Mr.Allah BachayoSoomro,Addl. A.GSindh
Mr. Ashfaqe Nabi Qazi, Asst. Attorney General Pakistan
Mr. Zaheer Abbas, LawOfficerECP

Date of hearing: 05.07.2022
Date of decision: 06.07.2022

The petitioner has challenged the order passed by the District Judge/Election Appellate Authority Badin dated 24.06.2022 whereby the nomination papers of the respondent No. 5 were accepted and the order passed by the R.O UC-7 dated 19.06.2022 rejecting respondent No. 5's nomination papers on the ground that he was not a registered voter of UC-7 Ghazi Khan Chang was set aside.

It would be beneficial to refer to Section 35(1)(c) of the Sindh Local Government Act 2013 which provides that:-

“35. Qualification for candidates as members.- A person shall not be qualified to be elected or chosen as a member of the Council unless –

[* * * * *] 1. (c) he is enrolled as a voter in the electoral rolls of the concerned Council or ward

A perusal of the Nomination Form of the respondent No. 5 available at pg.27 shows at serial No. 5 of the particulars of the candidate that he belongs to census block 375050211 and the final list of constituencies for local Government available at page 49-A shows that the same census block number falls within Ward No. 3 of the Town Committee Tando Ghulam Ali and not UC-7 Ghazi Khan Chang. It is clear that the respondent No. 5 is a registered voter of Town Committee Tando Ghulam Ali which is an urban area, while he sought to contest in the elections for a rural area being UC-7 Ghazi Khan Chang. It was also observed in the Court in CP No. D-585 of 2022 that a person must come from the area for which he is nominated to contest the elections which is not the case with respondent No. 5 and therefore he is not entitled to contest from UC-7. As such, the



ground for rejection of nomination papers of the respondent No. 5 was valid in view of Section 35(1)(c) of the Sindh Local Government Act 2013 and the order passed by the RO UC-7 was unlawfully set aside by the learned Appellate Authority Badin through its order dated 24.06.2022 which is hereby set aside and the order of the R.O UC-7 is restored.

As a consequence thereof, instant constitutional petition is allowed.

Sd/- Khadim Hussain Tunio, Judge
Sd/- Zulfiqar Ali Sangi, Judge

CERTIFIED TO BE TRUE COPY

Assistant Registrar (Writ)



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