

ORDER SHEET

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

C. P. No. D - 991 of 2022

Date of hearing	Order with signature of Judge
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Hearing of case (priority)

1. For hearing of CMA No.3577/2022 (S/A)
2. For hearing of main case

23.05.2023

Mr. Khan Muhammad, Advocate for the petitioner.
Mr. Ali Raza Baloch, Assistant Advocate General Sindh.

1. Petitioner, claiming to be resident of village Ali Bux Sarohi, Taluka Gambat, District Khairpur, through instant petition seeks directions to respondents No.2, 6, 7 & 8 to delete the new name of Union Council-69 i.e. Dr. Saleem Ahmed Kharal, actually knows as Ali Muhammad Khan Sarohiabad. He also seeks setting aside the impugned notification dated 27th April 2022 issued from Local Government & Housing Town Planning Department regarding change of name of Union Council-69 as Dr. Saleem Ahmed Kharal instead of Ali Muhammad Khan Sarohiabad.

2. In short, it is case of the petitioner that the name of Union Council in his constituency viz. Union Council-69 Ali Muhammad Khan Sarohiabad, has been changed under delimitation with the name of Dr. Saleem Ahmed Kharal vide impugned notification dated 27th April 2022 in violation of Sindh Local Government Act, 2013 (**'the Act of 2013'**); hence, this petition.

3. We have heard the learned counsel for the petitioner as well as Assistant Advocate General Sindh and perused the material available on record.

4. Sections 85, 86 and 89 of the Act of 2013 deals with the naming or renaming of city, municipality, town, village, or any part or locality

thereof, or public place or public way etc. For the sake of brevity, same are reproduced as under:

85. Naming or renaming to be made under this Chapter.- No City, Municipality, Town, Village, or any part or locality thereof, or public place or public way, in this Chapter referred to as place, may be named or renamed except in accordance with the provisions of this Chapter.

86. Guidelines for naming or renaming.- Naming or renaming under section 85 may be made after –

- (a) the founder of the nation or any person who took a prominent part in the creation of Pakistan;
- (b) a national or local personality with an unblemished record of service to the nation;
- (c) a person famous for his work in the field of art, culture, science and education or notable public service;
- (d) the principal donor of any building or institution built or set up for charitable purposes;
- (e) non-Pakistani with the permission of Government.

89. Recommendations by the Council.- (1) The Council may by a resolution passed by the majority of its members make recommendations to Government for –

- (i) effective implementation of the provision of this Act;
- (ii) effective discharge of duties, functions and obligations by any agency, authority, body or person or its officers acting under the authority, control or jurisdiction of Government;
- (iii) failure of any civil servant, public servant or official of the Council and Sindh Unified Council Service for discharge of his obligations vis a vis the Council; and
- (iv) any other matter relating to the functioning of the Council.

(2) Government shall consider the recommendations of the Council and pass such order as may be deemed appropriate in the circumstance of the case:

Provided that where Government does not accept the recommendations of the Council, it shall give reason for such refusal:

Provided further that where Government proposes to take any action against any officer or person pursuant to the recommendations of the Council, no such action shall be taken by Government without providing opportunity of hearing to such officer or person.

5. It is a matter of record that on 16.10.2019, a letter was forwarded to Secretary, Local Government Department, Government of Sindh by the Secretary, the then Union Council Ali Muhammad Khan Sarohiabad, Taluka Gambat regarding holding of Council meeting on 15.11.2018 and passing of resolution No.4, whereby Union Council Ali Muhammad Khan Sarohiabad suggested change of the name of the said Union Council with the name of Shaheed Dr. Saleem Ahmed Kharal (*copy of said letter along with minutes of the meeting of said Union Council dated 15.11.2018 are filed by the learned Assistant Advocate General Sindh with his statement dated 23.05.2023*).

6. The petitioner filed Objection Petition No.55 of 2022 (KHP) before the Delimitation Authority/Regional Election Commissioner, Sukkur challenging the preliminary delimitation of UC-69, Taluka Gambat, District Council Khairpur, which was dismissed by the Delimitation Authority vide order dated 21.03.2022. Thereafter, Government of Sindh, Local Government & Housing Town Planning Department vide notification dated 27.04.2022, by exercising powers conferred by Section 16 of the Act of 2013, notified the name of Union Council-69 as Shaheed Dr. Saleem Ahmed Kharal.

7. For the foregoing facts and reasons, we are of the opinion that proper procedure has been adopted under the relevant provisions of Act of 2013 referred to above for changing the name of Union Council-69; hence, this petition being devoid of any merits is dismissed accordingly along with listed application.

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Abdul Basit