

## ORDER SHEET

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA

C. P. No.D-105 of 2024

|                 |                               |
|-----------------|-------------------------------|
| Date of Hearing | ORDER WITH SIGNATURE OF JUDGE |
|-----------------|-------------------------------|

07.02.2024.

1. For orders on M.A. No.365/2024.
2. For orders on office objection.
3. For orders on M.A. No.366/2024.
4. For hearing of Main Case.
5. For orders on M.A. No.367/2024.

Messrs Gulsher Junejo and Barrister Akhtar Hussain Shaikh,  
advocates for the petitioner.

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1. Granted.
  3. Granted subject to all just legal exceptions.

2,4 & 5. The petitioners, by way of instant Constitutional Petition filed today, a day before the 2024 General Elections scheduled to be held tomorrow, i.e. 08.02.2024, have sought directions to postpone the elections in PS-11 Larkana, District Larkana and PS-14 Shahdadkot, District Kamber-Shahdadkot, for the reasons *inter alia* that (i) the requirements under Sections 53, 54 and 57 of the Elections Act, 2017 are yet to be completed; (ii) the election schedule is contrary to the provisions of the Elections Act, 2017; (iii) Respondent Nos.1 to 4 (DROs and ROs) lack integrity and good character as per Rule 57 of the Election Rules, 2017; and (iv) Forms 45 to 48 may not be made available to the candidates; etc. Learned Counsels have annexed certain notifications issued by the Election Commission of Pakistan, including the 2024 General Election Schedule. Heard Counsels.

The 2024 General Elections are scheduled for tomorrow (08.02.2024). The relief sought by the petitioners has challenged, albeit belatedly, various events of the election schedule which are impugned in this petition. If the petitioners had genuine grievances regarding their relief, as pleaded, then they ought to have objected to such actions in a timely manner and at the appropriate stage when

such objections could have been raised legitimately and taken up by the appropriate forums. Regrettably, this is not the case with this present petition. The Hon'ble Supreme Court of Pakistan, by its Order dated 15.12.2023 in Election Commission of Pakistan through its Secretary, Islamabad and Another v. Barrister Umar Khan Niazi and Another, in CP No.4365/2023, has well recorded that the decision to hold general elections on 08.02.2023 was a combination of several institutions and establishments including the Federal Government, the Provincial Governments, the Islamabad Capital Territory, the Election Commission of Pakistan, etc. all of whom confirmed before the Supreme Court that “no one should now put forward any pretext to derail democracy (Paragraph-18 of the Judgment of the Supreme Court dated 03.11.2023).” Given the principle laid down by the Supreme Court, we are minded to allow this petition at this preliminary stage, particularly as it proposes to jeopardise the holding of elections much beyond PS-11 and PS-14. Even otherwise, the petition is based on conjectures and surmises surrounding Forms 45 to 48 as the elections are yet to be held. No cause has either accrued or made out in the petition to invoke Article 199 of the Constitution at this late stage. The learned Counsels raised no cogent grounds for this Court to interfere with the election process in writ jurisdiction and to disturb the smooth running of the elections without any lawful or reasonable justification.

In view of the above, the instant Constitutional Petition being misconceived is dismissed in *limine* along with all pending applications.

JUDGE

JUDGE